



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1301 CONSTITUTION AVE
WASHINGTON, DC 20004

DATE: SEPTEMBER 30, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-AR-2017-CAC-0006

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|----------------|------------|
| (b) (6), (b) (7)(C) | Washington, DC | |

POTENTIAL VIOLATION(S):

EPA's Appendix-Guidance on Corrective Discipline, EPA ORDER 3120.1

Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding.

ALLEGATIONS:

(b) (6), (b) (7)(C) made misleading and false statements in connection with his application for access to Classified Information

FINDINGS:

On September 29, 2016, the United States Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), Washington Field Office received Hotline Complaint 2016-0336 regarding EPA employee (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) Washington, DC. The complaint alleges (b) (6), (b) (7)(C) falsified his Electronic Questionnaires for Investigations Processing (EQIP) application for a Top-Secret Security Clearance.

A review of the record suggested (b) (6), (b) (7)(C) falsified responses on the EQIP with respect to being convicted of an offense involving domestic violence.

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On April 21, 2011, (b) (6), (b) (7)(C) attempted to purchase a firearm from Greentop Sporting Goods in Ashland, Virginia after being (b) (6), (b) (7)(C)

October 8, 2011, (b) (6), (b) (7)(C) was arrested by Virginia State Police Trooper (b) (6), (b) (7)(C) in Richmond, Virginia for falsifying an Alcohol Tobacco and Firearm firearms purchase form. After waiving Miranda Rights, (b) (6), (b) (7)(C) acknowledged attempting to purchase a firearm and acknowledged pleading no contest and being convicted of (b) (6), (b) (7)(C), being sentenced to no contact with the victim and a suspended sentence to six months in jail.

During his interview, (b) (6), (b) (7)(C) stated he did not know he was convicted of (b) (6), (b) (7)(C).

In April 2018, the EPA Personnel Security Branch notified (b) (6), (b) (7)(C) of the EPA's intent to revoke (b) (6), (b) (7)(C) clearance.

(b) (6), (b) (7)(C) appealed the action.

On March 4, 2019, the EPA Security Appeals Board (SAB) overturned PSB's original unfavorable determination regarding (b) (6), (b) (7)(C) security clearance; however, (b) (6), (b) (7)(C) security clearance was not reinstated because his manager determined (b) (6), (b) (7)(C) no longer required access to classified information.

DISPOSITION: Inconclusive; Closed

During the course of this investigation it was determined that (b) (6), (b) (7)(C) had successfully appealed the revocation of his security clearance. In addition, (b) (6), (b) (7)(C) was transferred to a position that does not require a security clearance. These facts, along with the prosecutorial declination from the Department of Justice, made the issue of (b) (6), (b) (7)(C) omission on his clearance paperwork moot and does not justify further investigative efforts. Therefore, this investigation is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1445 ROSS AVENUE, SUITE 1200, 9TH FLOOR
DALLAS, TX, 75202

DATE: May 22, 2018

PREPARED BY: RAC (b) (6), (b) (7)(C)

CASE #: OI-DA-2017-ADM-0051

CROSS REFERENCE #: 2017-0086

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C), EPA REGION 6

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---------------------|------------|
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | |

VIOLATION(S): 18 U.S.C. 641, (Theft) Public Money, Property and Records; EPA Order 2101.0, formerly EPA Order 2100.3A1, Policy on Limited Personal Use of Government Office Equipment; 5 CFR § 2635.704, Use of Government Property; 5 CFR § 2635.705(a), Use of official time; and 5 CFR § 2634.907(e), Positions with non-Federal organizations.

ALLEGATION: The United States Environmental Protection Agency (EPA), Office of the Inspector General (OIG), Office of Investigations (OI), Dallas, Texas, initiated this investigation based on a referral received on January 10, 2017, from (b) (6), (b) (7)(C) alleging (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C), EPA Region 6, (b) (6), (b) (7)(C) was using his EPA email and computer for personal business

FINDINGS: During this investigation, Resident Agent in Charge (RAC) (b) (6), (b) (7)(C), EPA OIG OI, conducted interviews, reviewed emails, and proved (b) (6), (b) (7)(C) used his EPA email, and government computer for personal business for a period of approximately four years. In addition, (b) (6), (b) (7)(C) stated in his interview with RAC (b) (6), (b) (7)(C), that he used his EPA email and government computer an estimated 100 hours, while on duty.

DISPOSITION: On May 10, 2017, the facts and circumstances surrounding (b) (6), (b) (7)(C) using his official EPA email account and computer during his EPA business day for a personal business, in

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possible violation of 18 U.S.C. 641, (Theft) Public Money, Property and Records, was presented to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (7)(E)

On January 8, 2018, RAC (b) (6), (b) (7)(C) delivered a final Report of Investigation to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA Region 6 for administrative action against (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) potential administrative violations were as follows: EPA Order 2101.0, Policy on Limited Personal Use of Government Office Equipment; 5 CFR § 2635.704, Use of Government Property; 5 CFR § 2635.705(a) Use of official time; and 5 CFR § 2634.907(e), Positions with non-Federal organizations.

On March 2, 2018, (b) (6), (b) (7)(C) was issued a (b) (2) by the EPA. Specifically, (b) (6), (b) (7)(C) received the (b) (2) for behavior inconsistent with EPA Order 2100.3 A1, which identifies inappropriate behavior. (b) (6), (b) (7)(C) was (b) (2) for the misuse of government equipment and the misuse of government time. (b) (6), (b) (7)(C) was also (b) (2).

This investigation is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

JAN 08 2018

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) EPA Region 6
Case No. OI-DA-2017-ADM-0051

FROM: Patrick F. Sullivan
Assistant Inspector General
Office of Investigations

TO: (b) (6), (b) (7)(C)
Branch Chief
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) EPA Region 6

RESTRICTED INFORMATION

Attached is a copy of our report of investigation on the above-captioned subject. This investigation obtained evidence supporting a conclusion that (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C) used his official EPA e-mail address and agency issued laptop computer to conduct activities related to a personal business, in which he is a proprietor.

The results of this investigation were presented to the United States Attorney's Office (USAO), Southern District of Texas, for a possible violation of 18 USC § 641, (Theft) Public, Money or Records. However, this case was declined for criminal prosecution because the allegations (b) (7)(E), (b) (5) This information is submitted for your consideration and decision as to whether administrative action is warranted.

In considering administrative action regarding (b) (6), (b) (7)(C) your attention is directed to the EPA Conduct and Discipline Manual, EPA Order 3120.1, which prescribes policies for administering disciplinary action within the Agency. The manual contains a list of offenses with suggested penalties, although the list of offenses is not intended to be all-inclusive. For offenses not listed, penalties may be imposed consistent with penalties contained in the manual for offenses of comparable gravity.

The information in the Conduct and Discipline Manual is provided to assist you in determining what action, if any, is warranted; however, it does not constitute a "charge" against (b) (6), (b) (7)(C) It

is the responsibility of the action official alone to evaluate the information contained in the report and to decide whether action under any part of the Conduct and Discipline Manual is appropriate.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 60 days of the administrative action taken or proposed by you in this matter. This report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action.

A copy of this transmittal and the report are also being sent to Wendy Blake, Associate General Counsel, Office of General Counsel. It is highly recommended that you confer with the Office of General Counsel to ensure that any penalty imposed is appropriate and equitable. It is also recommended that you contact the Office of Human Resources for any necessary guidance about personnel regulations.

Should you have any questions, particularly regarding the investigative report, you are encouraged to contact me at (b) (6), (b) (7)(C) or Resident Agent in Charge (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) who served as the lead criminal investigator during this case.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1445 ROSS AVENUE
DALLAS, TX 75202

REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)
OI-DA-2017-ADM-0051

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Distribution:

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
U.S. Environmental Protection Agency
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Region 6
With Attachments

Wendy Blake
U.S. Environmental Protection Agency
Associate General Counsel
Office of General Counsel
With Attachments

Submitted by:

(b) (6), (b) (7)(C)

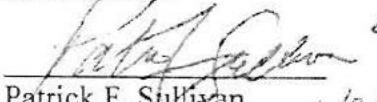
Resident Agent in Charge
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:


Patrick F. Sullivan 1/8/18

Assistant Inspector General
Office of Investigations

Contents of this report and/or its exhibits may contain personally identifiable information (PII), to include sensitive PII (SPII) protected by the Privacy Act and is subject to the EPA Policy on PII and SPII. As such, please follow the agency's policy on PII and SPII, to include ensuring that this report and exhibits are properly safeguarded.

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-DA-2017-ADM-0051 DATE OPENED: January 11, 2017

CASE TITLE: (b) (6), (b) (7)(C) CASE AGENT(s): (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
GS-13,

(b) (6), (b) (7)(C)

CASE CATEGORY: Employee Integrity

OFFICE: Dallas

JOINT AGENCIES: None

JURISDICTION: Southern District of Texas

SECTION A - NARRATIVE

Introduction

On January 10, 2017, (b) (6), (b) (7)(C) Resident Agent in Charge (RAC), United States Environmental Protection Agency, Office of the Inspector General, Office of Investigations (OI), Dallas, Texas, received a complaint from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) alleging (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C) EPA Region 6, (b) (6), (b) (7)(C) was using his EPA email and computer for personal business. (b) (6), (b) (7)(C) became aware of (b) (6), (b) (7)(C) personal use of his EPA computer and email after learning the Nice Group USA Inc., Dallas, Texas, which was in litigation with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Texas, had subpoenaed (b) (6), (b) (7)(C) emails related to (b) (6), (b) (7)(C) which generated a Freedom of Information Act (FOIA) request to EPA.

During the course of the investigation, OI identified two additional allegations, which required an investigation of potential time fraud, as well as (b) (6), (b) (7)(C) potential failure to report his personal business (b) (6), (b) (7)(C) on the Office of Government Ethics (OGE) 450 Forms.

The three allegations investigated by OI were to:

1. Determine if (b) (6), (b) (7)(C) used his EPA email account and computer for matters related to his personal business, (b) (6), (b) (7)(C)
2. Determine if (b) (6), (b) (7)(C) used official time for matters related to a personal business, (b) (6), (b) (7)(C)
3. Determine if (b) (6), (b) (7)(C) failed to report his personal business (b) (6), (b) (7)(C) on Office of Government Ethics (OGE) 450 Forms.

Possible violation(s)

| | |
|---------------------|---|
| 18 U.S.C. 641 | Theft of Public Money, Property and Records |
| EPA Order 2101.0 | Policy on Limited Personal Use of Government Office Equipment |
| 5 CFR § 2635.704 | Use of Government Property |
| 5 CFR § 2635.705(a) | Use of official time |
| 5 CFR § 2634.907(e) | Positions with non-Federal organizations |

Synopsis

The investigation developed sufficient evidence to support the allegations that (b) (6), (b) (7)(C) did use his EPA email account, government computer, and official time to conduct personal business related to (b) (6), (b) (7)(C) from 2013 through 2016. However, the investigation could not quantify the amount of official time that was used by (b) (6), (b) (7)(C) to conduct his personal business. The allegation regarding whether (b) (6), (b) (7)(C) had not reported (b) (6), (b) (7)(C) on his OGE 450 Forms was unsupported.

Details

Investigation Disclosed Allegation Supported

Allegation 1: (b) (6), (b) (7)(C) used his EPA email account and computer for matters related to his personal business, (b) (6), (b) (7)(C)

Allegation 1 Findings: This investigation revealed evidence supporting the conclusion that (b) (6), (b) (7)(C) used his EPA email account and computer for matters related to his personal business, (b) (6), (b) (7)(C) during the time period of 2013 through 2016.

Allegation 1 Investigative Results: On March 17, 2017, RAC (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) first line supervisor, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA Region 6. (Exhibit 4) Following her review of (b) (6), (b) (7)(C) emails related to his personal business which were gathered pursuant to the FOIA request, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated she provided a (b) (2) via email to (b) (6), (b) (7)(C) on December 22, 2016, regarding the use of his EPA email address and time during EPA work hours for his private business. The email informed (b) (6), (b) (7)(C) that the matter was still under review and no decision had been made regarding discipline. (Exhibit 1)

On May 16, 2017, RAC (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C), who admitted to using his EPA email account and computer to send and receive numerous (b) (6), (b) (7)(C) business emails to and from his wife, dad, and others related to (b) (6), (b) (7)(C) for at least four years (2013 through 2016). (Exhibit 5) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) RAC (b) (6), (b) (7)(C) also reviewed a spreadsheet provided by EPA Region 6 officials detailing (b) (6), (b) (7)(C) use of his email account for personal business, which revealed a total of 430 emails related to (b) (6), (b) (7)(C) and also reviewed emails, including (b) (6), (b) (7)(C) business emails, which were sent and received at various times throughout (b) (6), (b) (7)(C) workday. (Exhibits 6, 7)

(b) (6), (b) (7)(C) was asked to estimate how many hours he spent sending, receiving or reviewing documents from (b) (6), (b) (7)(C) during EPA work hours and also using the EPA computer during non-work hours. (b) (6), (b) (7)(C) provided an estimate of "100 hours." RAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if he remembered

ever receiving (b) (2) on or about December 22, 2016, about using his EPA email account and computer for personal business and (b) (6), (b) (7)(C) replied "I don't recall." After further clarification, (b) (6), (b) (7)(C) stated "Yes, I do remember the email and I said I would relay to people not to send me things." (b) (6), (b) (7)(C) was not sure if he received any more personal business related emails since December 22, 2016. (Exhibit 5)

Investigation Disclosed Allegation Supported

Allegation 2: (b) (6), (b) (7)(C) used official time for matters related to a personal business, (b) (6), (b) (7)(C)

Allegation 2 Findings: This investigation revealed evidence supporting the conclusion that (b) (6), (b) (7)(C) used official time for matters related to his personal business (b) (6), (b) (7)(C) during the time period of 2013 through 2016. While this investigation was not able to quantify the exact amount of duty time (b) (6), (b) (7)(C) used for matters relating to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) estimated he spent "100 hours" using his government issued computer for (b) (6), (b) (7)(C) work, which included both official EPA duty time and non-duty time.

Allegation 2 Investigative Results: On March 17, 2017, RAC (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) first line supervisor, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA Region 6. (Exhibit 4) (b) (6), (b) (7)(C) stated she provided a written warning via email to (b) (6), (b) (7)(C) on December 22, 2016, regarding the use of his EPA email address and time during working hours for his private business. (b) (6), (b) (7)(C) also stated that (b) (6), (b) (7)(C) informed her he looked at business emails after hours, and only reviewed a couple during work hours - possibly at lunch time. (Exhibit 1)

On May 16, 2017, RAC (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) who admitted to using his EPA email account and computer to send and receive numerous business emails related to (b) (6), (b) (7)(C) for at least four years (2013 through 2016). RAC (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) if he ever committed time and attendance fraud and he replied "No". (Exhibit 5)

(b) (6), (b) (7)(C) was asked to estimate how many hours in total he thought he spent working on (b) (6), (b) (7)(C) matters during his work day at the EPA, as well as how much time he spent using his official EPA issued computer when he was not on the clock for the agency. (b) (6), (b) (7)(C) estimated he spent "100 hours." (Exhibit 5)

(b) (6), (b) (7)(C) did not remember if he ever informed any other EPA employees that he would look at (b) (6), (b) (7)(C) related emails after work hours or during his lunch period. (b) (6), (b) (7)(C) also did not remember if he informed any other EPA employees if he reviewed a small amount of (b) (6), (b) (7)(C) related emails during his EPA work day. (b) (6), (b) (7)(C) admitted to sending (b) (6), (b) (7)(C) an e-mail in which he indicated that he only used his EPA email account for approximately 20 email communications. (b) (6), (b) (7)(C) email was in response to an e-mail (b) (6), (b) (7)(C) had sent (b) (6), (b) (7)(C), in which she warned him not to use his government email address to conduct personal business. (Exhibits 4, 5)

RAC (b) (6), (b) (7)(C) reviewed three PDF files (COMPILATION PDF FILE OF DOCUMENTS 1-350; COMPILATION PDF FILE OF DOCUMENTS 351-551; and COMPILATION PDF FILE OF DOCUMENTS 552-728) all of which were created by EPA Region 6 officials who received the FOIA request. Upon reviewing the three compilation PDF files, RAC (b) (6), (b) (7)(C) identified many emails (b) (6), (b) (7)(C) sent and received at various times throughout EPA business days in 2013, 2014, 2015, and

2016. RAC (b) (6), (b) (7)(C) identified emails on various work days, which could not have been sent during a 30-minute lunch, because the times on the emails varied throughout the day. However, RAC (b) (6), (b) (7)(C) was not able to quantify how much official time (b) (6), (b) (7)(C) used to send and review emails related to (b) (6), (b) (7)(C) (Exhibit 7)

Investigation Disclosed Allegation Not Supported

Allegation 3: (b) (6), (b) (7)(C) failed to report his personal business, (b) (6), (b) (7)(C) on Office of Government Ethics (OGE) 450 Forms.

Allegation 3 Findings: This investigation revealed (b) (6), (b) (7)(C) reported (b) (6), (b) (7)(C) on his OGE 450 Forms from 2010 through 2016. As a result, the allegation that he failed to report (b) (6), (b) (7)(C) on the OGE 450 Forms is unsupported.

Allegation 3 Investigative Results: On February 2, 2017, RAC (b) (6), (b) (7)(C) reviewed (b) (6), (b) (7)(C) OGE 450 Forms for the following years: 2010, 2011, 2012, 2013, 2015, and 2016. (b) (6), (b) (7)(C) listed himself as the President and Chief Financial Officer of (b) (6), (b) (7)(C) in all OGE 450 Forms. All OGE 450 Forms were signed by Region 6 attorneys and management officials.

Disposition

This Report of Investigation is being issued to (b) (6), (b) (7)(C) Branch Chief, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA Region 6, for review and any administrative actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
 EPA Region 6
Role: Witness
Business Address: 1445 Ross Avenue, Dallas, Texas, 75202
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) EPA Region 6
Role: Subject
Business Address: (b) (6), (b) (7)(C)
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C -- PROSECUTIVE STATUS

On May 10, 2017, the facts and circumstances surrounding (b) (6), (b) (7)(C) using his official EPA email account and computer during his EPA business day for a personal business, in possible violation of 18 U.S.C. 641, (Theft) Public Money, Property and Records, was presented to (b) (6), (b) (7)(C) Deputy Criminal Chief/Assistant United States Attorney (AUSA), Department of Justice, Southern District of Texas. AUSA (b) (6), (b) (7)(C) declined this investigation for prosecution. (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

Exhibits

| DESCRIPTION | EXHIBIT |
|---|---------|
| (b) (6), (b) (7)(C) email complaint to OI dated January 10, 2017. | 1 |
| Memorandum of Activity of the FOIA request dated March 3, 2017. | 2 |
| Memorandum of Activity of a Subpoena Duces Tecum, dated March 3, 2017. | 3 |
| Memorandum of Interview of (b) (6), (b) (7)(C) dated March 17, 2017. | 4 |
| Transcript of Recorded Interview of (b) (6), (b) (7)(C) dated May 16, 2017. | 5 |
| Memorandum of Activity of EPA's review of (b) (6), (b) (7)(C) emails, dated January 10, 2017. | 6 |
| Memorandum of Activity of FOIA emails with varying dates and times dated July 5, 2017. | 7 |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
11201 RENNER BOULEVARD
LENEXA, KS 66219

DATE: September 16, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-DA-2018-ADM-0034

CROSS REFERENCE #: Hotline Complaint 2018-0106

TITLE: (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C), R7

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---------------------------------------|------------|
| (b) (6), (b) (7)(C) | 11201 Renner Blvd Lenexa, KS 66219 | |

VIOLATION(S): 18 USC 1001, False Statements, and violations of Federal Regulations

ALLEGATION: On January 2, 2018, (b) (6), (b) (7)(C), Special Agent (SA), United States Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), Dallas, Texas, took receipt of Hotline Complaint 2018-0106 regarding potential false statements made by (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA Region 7, Lenexa, Kansas. It was alleged that (b) (6), (b) (7)(C) provided false statements when completing his Standard Form (SF) 86, Questionnaire for National Security Positions, by failing to disclose an arrest on August 26, 2017, for driving while intoxicated. Specifically, (b) (6), (b) (7)(C) answered "no" in response to a question regarding police intervention related to the use of alcohol, and he responded "no" to a question involving participation in a substance abuse rehabilitation program.

FINDINGS: During this investigation, SA (b) (6), (b) (7)(C) conducted several interviews, including an interview of (b) (6), (b) (7)(C). These interviews are discussed in detail in the report of investigation (ROI) prepared by SA (b) (6), (b) (7)(C). Based on the information provided by the interviews and other records reviewed, SA (b) (6), (b) (7)(C) determined that the allegation was unsupported. The evidence found the negative responses to the questions on the SF 86 resulted from (b) (6), (b) (7)(C) interpretation of the questions rather than the intent to conceal the information and provide a false statement.

RESTRICTED INFORMATION

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DISPOSITION: On March 20, 2019, EPA Region 7 (the Agency) issued their response to the ROI prepared by SA (b) (6), (b) (7)(C). The Agency determined that even though the allegation of a false statement by (b) (6), (b) (7)(C) was unsupported, they were concerned about possible risk to the agency related to (b) (6), (b) (7)(C) 2017 DUI and the operation of a motor vehicle while on duty by (b) (6), (b) (7)(C). As a result of the ROI and the Agency's concern, (b) (6), (b) (7)(C) was (b) (2) [REDACTED] This investigation is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

JUL 19 2018

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C), R7
Case No. OI-DA-2018-ADM-0034

FROM: Patrick F. Sullivan *Patrick F. Sullivan*
Assistant Inspector General
Office of Investigations

TO: (b) (6), (b) (7)(C)
Director
EPA Region 7
(b) (6), (b) (7)(C)

Wendy Blake
Associate General Counsel
Office of the General Counsel

RESTRICTED INFORMATION

Attached is a copy of our report of investigation on the above-captioned subject. As background, (b) (6), (b) (7)(C) informed our office that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA Region 7, had received a conviction for Driving Under the Influence. This conviction raised concerns regarding possible false statements made during the processing of (b) (6), (b) (7)(C) security clearance update.

Based upon this information we opened an investigation on the foregoing allegation and based upon our investigation, the evidence did not support a finding that (b) (6), (b) (7)(C) submitted false statements when completing his most recent Standard Form (SF) 86, Questionnaire for National Security Positions.

A copy of this transmittal and the report are also being sent to Wendy Blake, Associate General Counsel, Office of General Counsel. It is highly recommended that you confer with the Office of General Counsel to ensure that any penalty imposed is appropriate and equitable. It is also recommended that you contact the Office of Human Resources for any necessary guidance about personnel regulations.

Should you have any questions, particularly regarding the investigative report, you are encouraged to contact me at (b) (6), (b) (7)(C), or Special Agent (b) (6), (b) (7)(C), at (b) (6), (b) (7)(C), who served as the lead criminal investigator during this investigation.

Attachment

Report of Investigation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1445 ROSS AVE, SUITE 1200.
DALLAS, TX 60604

REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C), R7

OI-DA-2018-ADM-0034

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Distribution:

(b) (6), (b) (7)(C)

Director

EPA Region 7

(b) (6), (b) (7)(C)n

With Exhibits

Wendy Blake

U.S. Environmental Protection Agency

Associate General Counsel

Office of General Counsel

With Exhibits

Submitted by:

(b) (6), (b) (7)(C)

Special Agent

Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge

Chicago Field Office

Office of Investigations

Reviewed by:

Patrick Sullivan

Assistant Inspector General

Office of Investigations

JUL 19 2018

Contents of this report and/or its exhibits may contain personally identifiable information (PII), to include sensitive PII (SPII) protected by the Privacy Act and is subject to the EPA Policy on PII and SPII. As such, please follow the agency's policy on PII and SPII, to include ensuring that this report and exhibits are properly safeguarded.

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

| | | | |
|------------------------|---|----------------------|--------------------------|
| CASE NO.: | OI-DA-2018-ADM-0034 | DATE OPENED: | January 3, 2018 |
| CASE TITLE: | (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C) R7 | CASE AGENT: | (b) (6), (b) (7)(C) |
| CASE CATEGORY: | False Statement | OFFICE: | Region 7, Lenexa, Kansas |
| JOINT AGENCIES: | None | JURISDICTION: | District of Kansas |

SECTION A – NARRATIVE

Introduction

On January 2, 2018, (b) (6), (b) (7)(C), Special Agent (SA), Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), Dallas Field Office took receipt of Hotline Complaint 2018-0106 regarding potential false statements made by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) EPA Region 7, Lenexa, Kansas. (Exhibit 1).

Based upon the foregoing information and OI's initial review, OI investigated the allegation of whether (b) (6), (b) (7)(C) provided false statements when completing his most recent Standard Form (SF) 86, Questionnaire for National Security Positions. Although (b) (6), (b) (7)(C) fully disclosed an incident involving an arrest for Driving Under the Influence which occurred in 2009, he responded in the negative to two questions which could have been impacted by the DUI action. More specifically, (b) (6), (b) (7)(C) answered "no" in response to a question regarding police intervention related to the use of alcohol, and responded 'no' to the question involving participation in a substance abuse rehabilitation program

Impact / Dollar Loss

When serving as a government employee, individuals are placed in a position of trust. Violation of that trust through the provision of false statements could impact (b) (6), (b) (7)(C) ability to perform as an (b) (6), (b) (7)(C), the position in which he is currently assigned.

Synopsis

The evidence finds that (b) (6), (b) (7)(C) did not provide false statements when completing the SF-86. Rather his negative response to the two questions at issue was based upon (b) (6), (b) (7)(C) interpretation of what the question was asking. (b) (6), (b) (7)(C) believed his DUI arrest resulted from a traffic violation rather than alcohol use and that the diversion process he participated in did not include a formal substance abuse rehabilitation program such as Alcoholics Anonymous.

DetailsBackground

(b) (6), (b) (7)(C) has been employed with EPA as an (b) (6), (b) (7)(C) for more 15 years. During his time of employment, he has completed two SF-86s, one in 2008 and one in 2014. A review of these forms indicated the one in 2008 was completed prior to either DUI incident. (Exhibit 2) The SF-86 form from 2014 was completed after the DUI incident in 2009 but prior to the most recent incident in 2017. Specifically, three relevant questions were reviewed to determine whether Shmaedick had accurately disclosed the DUI from 2009. Those questions are as follows:

Section 22 – Police Record

For this section report information regardless of whether the record in your case has been sealed, expunged, or otherwise stricken from the court record, or the charge was dismissed. ... Be sure to include all incidents whether occurring in the U.S. or abroad.

Have any of the following happened? (If 'Yes' you will be asked to provide details for each offense that pertains to the actions that are identified below.)

- *In the past seven (7) years have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Do not check if all the citations involved traffic infractions where the fine was less than \$300 and did not include alcohol or drugs)*
- *In the past seven (7) years have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?*
- *In the past seven (7) years have you been charged, convicted, or sentenced of a crime in any court? (Include all qualifying charges, convictions or sentences in any Federal, state, local, military, or non-U.S. court, even if previously listed on this form)*
- *In the past seven (7) years have you been or are you currently on probation or parole?*
- *Are you currently on trial or awaiting a trial on criminal charges?*

(b) (6), (b) (7)(C) answered the question "Yes" and provided the following information:

- *Date of offense: "11/2010 (Estimated)"*
- *Specific nature of offense: "Divergence (DUI)"*
- *Did this involve any of the following: Answer was affirmative that alcohol or drugs were involved.*
- *(b) (6), (b) (7)(C) further provided all requested information with regard to location of the office and law enforcement agency involved.*

Section 24 – Use of Alcohol

- *In the last seven (7) years has your use of alcohol had a negative impact on your work performance, your professional or personal relationships, your finances, or resulted in intervention by law enforcement/public safety personnel?*

(b) (6), (b) (7)(C) answered the question "No."

- Have you EVER received counseling or treatment as a result of your use of alcohol in addition to what you have already listed on this form?

(b) (6), (b) (7)(C) answered the question "No."

Investigation Disclosed Allegations Supported

Allegation #1: (b) (6), (b) (7)(C) provided a false statement on his SF-86 in 2014 by answering the questions in Section 24 "No."

Allegation #1 Findings: Unsupported. The evidence finds the negative responses to these questions resulted from (b) (6), (b) (7)(C) interpretation of the question rather than an intent to conceal the information and provide a false statement.

Allegation #1 Investigative Results:

On March 30, 2018, SA (b) (6), (b) (7)(C) conducted a subject interview of (b) (6), (b) (7)(C). During the interview, (b) (6), (b) (7)(C) explained he did not believe any use of alcohol by him resulted in intervention by police. (b) (6), (b) (7)(C) opined the DUI resulted from a traffic violation causing police to pull him over rather than the use of alcohol. (b) (6), (b) (7)(C) had no recollection of the exact details of the incident and so did not view his driving to be the result of alcohol use. Further, with regard to counseling or rehabilitation, (b) (6), (b) (7)(C) opined this question was directed at programs such as Alcoholics Anonymous or counseling by a psychologist/psychiatrist. As such, (b) (6), (b) (7)(C) stated he did not believe he received any counseling or rehabilitation during the completion of the diversion. (b) (6), (b) (7)(C) advised there were a number of things he was required to complete on-line, and he met with a probation officer, but there was no type of counseling. [Agent's Note: As (b) (6), (b) (7)(C) fully disclosed the DUI in question 22 of the SF-86, (b) (6), (b) (7)(C) responses were viewed as credible since there was no concealment of the DUI.] (Exhibit 3)

Additional Relevant Information Identified During This Investigation

On March 27, 2018 SA (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C), Attorney, Kansas City, City Attorney's Office, Missouri, regarding the most recent DUI and the associated suspended sentence (Exhibits 4). (b) (6), (b) (7)(C), Kansas City, Missouri, City Attorney, advised she was aware of (b) (6), (b) (7)(C) previous DUI from 2009 at the time (b) (6), (b) (7)(C) was offered the suspended sentence. She advised that one of the factors considered in these types of actions is the length of time since the last infraction and whether any of the incidents involved an accident. In this case, neither was a factor which could have affected the decision for a suspended sentence. She advised when an individual works through a diversion relating to the revocation of the driver's license for refusal to submit to a breathalyzer, there is a requirement for them to plead guilty. Accordingly, (b) (6), (b) (7)(C) plead guilty to driving under the influence and received a two-year suspended sentence with probation.

On March 29, 2018 SA (b) (6), (b) (7)(C) spoke with (b) (6), (b) (7)(C), Jackson County Prosecutor, Missouri who may have been responsible for the matter involving the removal of revocation of (b) (6), (b) (7)(C) driver's license (Exhibit 5). (b) (6), (b) (7)(C) advised he could not confirm whether the office had knowledge of (b) (6), (b) (7)(C) prior DUI in Kansas. However, records indicated that (b) (6), (b) (7)(C) did successfully complete the diversion process and as such, his license was not revoked and any revocation thereof was deemed null and of no consequence.

On March 27 and 28, 2018, SA (b) (6), (b) (7)(C) conducted interviews with two co-workers of (b) (6), (b) (7)(C) to determine if (b) (6), (b) (7)(C) exhibited a pattern of excessive drinking. Both co-workers described (b) (6), (b) (7)(C) in their experience, to be a hard worker. However, generally, these two individuals encountered (b) (6), (b) (7)(C)

When questioned about alcohol use, each person consistently described (b) (6), (b) (7)(C) as not being a heavy drinker, nor had they observed (b) (6), (b) (7)(C) drinking in excess. Each stated they have been out with (b) (6), (b) (7)(C) after hours, while (b) (6), (b) (7)(C), and had a "beer or two" with him, but that was the extent of any alcohol use they had observed. (Exhibits 6 and 7)

Specifically, (b) (6), (b) (7)(C), OSC, EPA Region 7, was questioned about the DUI in 2017. (Exhibit 7) (b) (6), (b) (7)(C) advised that he and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

SA (b) (6), (b) (7)(C) further questioned these two individuals, including (b) (6), (b) (7)(C), about information provided by management with regard to possible performance issues. All information received during this questioning appeared to be in line with administrative matters between (b) (6), (b) (7)(C) and management, and do not require further action by the EPA OIG.

Disposition

This Report of Investigation is being issued to the Director of the Region 7 Superfund Division for review.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C)
Role: Supervisor
Business Address: 11201 Renner Boulevard, Lenexa, Kansas, 66219
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: Attorney, City Attorney's Office, Kansas City, Missouri
Role: Witness
Business Address: City Hall, 414 E 12th Street, Kansas City, Missouri 64106
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: No

Name of Person: (b) (6), (b) (7)(C)
Title & Company: Attorney, Jackson County Prosecutor's Office, Kansas City, Missouri
Role: Witness

Business Address: 415 E 12th Street, Kansas City, Missouri, 64106
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: No

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) EPA Region 7 (b) (6), (b) (7)(C)
Role: Witness
Business Address: 11201 Renner Boulevard, Lenexa, Kansas, 66219
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C), EPA Region 7 (b) (6), (b) (7)(C)
Role: Witness
Business Address: 11201 Renner Boulevard, Lenexa, Kansas, 66219
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

On March 28, 2018, SA (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C), Assistant United States Attorney, District of Kansas, regarding a possible violation of 18 U.S.C. § 1001, False Statements, and presented the facts of the investigation. On March 29, 2018, (b) (6), (b) (7)(C) advised the US Attorney's Office declined to take further action.

EXHIBITS

| Description | Exhibits |
|--|----------|
| Complaint Initiation | 1 |
| Memorandum of Activity – Review of SF-86, Questionnaires for National Security Personnel | 2 |
| Memorandum of Activity – Interview of (b) (6), (b) (7)(C) | 3 |
| Memorandum of Activity – Coordination with (b) (6), (b) (7)(C) | 4 |
| Memorandum of Activity – Coordination with (b) (6), (b) (7)(C) | 5 |
| Memorandum of Activity – Interview of (b) (6), (b) (7)(C) | 6 |
| Memorandum of Activity – Interview of (b) (6), (b) (7)(C) | 7 |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET
DENVER, CO 80202

CASE #: OI-DE-2017-ADM-0138

CROSS REFERENCE #: Hotline 2017-0350

TITLE: (b) (6), (b) (7)(C); GS-13; (b) (6), (b) (7)(C)

INTERVIEWEE (if applicable): Interviewee

PREPARED BY: SA (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY
FINAL SUMMARY REPORT

VIOLATION(S):

5 C.F.R. § 2635.704(a): Duty to protect government property

5 C.F.R. § 2635.705(a): Use of time.

EPA Order R8 CIO 2101.0: Policy on Limited Personal Use of Government Equipment

ALLEGATION: On Aug 3, 2017, an investigation was initiated based on information received from (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), Region 8, EPA, Denver, Colorado, allegedly using her regular EPA work hours – and potentially EPA equipment - to conduct personal business associated with her (b) (6), (b) (7)(C) business.

FINDINGS: Interviews of EPA employees, and reviews of EPA and public business records were conducted. The investigation supported the allegation that (b) (6), (b) (7)(C) conducted personal business with other EPA employees using Skype for Business during her regular EPA work hours.

DISPOSITION: On September 22, 2018, this investigation was briefed to Assistant United States Attorney (AUSA) (b) (6), (b) (7)(C), Economic Crimes Chief, United States Attorney's Office, District of Colorado, Denver, Colorado, for potential criminal prosecution. AUSA (b) (6), (b) (7)(C) declined prosecution based on (b) (5), (b) (7)(E).

CASE:
OI-DE-2017-ADM-0138

DATE OF ACTIVITY:
December 6, 2018

INTERVIEWEE (if applicable):
Interviewee

DRAFTED DATE:
December 6, 2018

AGENT(S):
(b) (6), (b) (7)(C)

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On October 11, 2018, a Report of Investigation was provided to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) [REDACTED], Region 8, EPA, Denver, Colorado, for action deemed appropriate.

On December 6, 2018, (b) (6), (b) (7)(C) [REDACTED] was issued a (b) (2) [REDACTED] based on her use of regular EPA work hours and EPA equipment to conduct activities directly related to her personal (b) (6), (b) (7)(C) [REDACTED] business.

All criminal and administrative actions have been addressed, and no further investigative activity is warranted. This case is closed.

(b) (6), (b) (7)(C) [REDACTED]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1595 WYNKOOP STREET, 4th FLOOR
DENVER, CO 80202

DATE: December 17, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-DE-2017-CAC-0028

CROSS REFERENCE #: 2017-0006

TITLE: (b) (6), (b) (7)(C) GS-15; (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---------------------|------------|
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | |
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | |

VIOLATION(S): 18 U.S.C. § 1001: False Statements
18 U.S.C. § 641: Public money, property or records

ALLEGATION: On November 10, 2016, this office initiated an investigation based on information received from (b) (6), (b) (7)(C)

regarding the possible misuse of telework as well as possible time and attendance fraud by (b) (6), (b) (7)(C) former (b) (6), (b) (7)(C)

FINDINGS: Interviews were conducted on November 13, 2019 with (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA, (b) (6), (b) (7)(C). It was determined that (b) (6), (b) (7)(C) authorized (b) (6), (b) (7)(C) to schedule regular telework one day a week and up to three days episodic to review thousands of pages of data (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) had approval for outside employment. (b) (6), (b) (7)(C) did not recall anytime he noticed or was made aware that (b) (6), (b) (7)(C) teaching position interfered with his EPA work. (b) (6), (b) (7)(C) work day started at 6:00 am which provided time to complete the required hours for his work day. (b) (6), (b) (7)(C) has written

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schedules from when he started as (b) (6), (b) (7)(C) showing (b) (6), (b) (7)(C) took leave when it was necessary to teach classes at the (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) stated she knew (b) (6), (b) (7)(C) was authorized to teach at the (b) (6), (b) (7)(C). Additionally, (b) (6), (b) (7)(C) stated that most employees start their day between 6:00 am and 8:00 am. (b) (6), (b) (7)(C) showed the interviewing agents a written schedule that details when employees will be working. (b) (6), (b) (7)(C) only had records back to 2017 and stated someone from IT may have access to archived copies. (b) (6), (b) (7)(C) stated for the days (b) (6), (b) (7)(C) taught classes during the duty day and did not take leave, he may have made the hours up at the end of the day.

A telephonic interview with (b) (6), (b) (7)(C) was conducted on December 5, 2019. (b) (6), (b) (7)(C) stated he had permission to teach classes at (b) (6), (b) (7)(C). Most of the classes were outside of the work hours. When the classes were scheduled during the work hours, (b) (6), (b) (7)(C) supervisor, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA, (b) (6), (b) (7)(C) allowed him to leave to teach then come back and finish his day, making the hours up. At the end of each week, (b) (6), (b) (7)(C) provided a written schedule detailing his hours with in and out times via an email to (b) (6), (b) (7)(C) and copied (b) (6), (b) (7)(C). (b) (6), (b) (7)(C)

DISPOSITION: Due to the allegations being Not Supported, no criminal or administrative referral was made. No further investigative activity is warranted. This case is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: October 26, 2018

PREPARED BY: RAC (b) (6), (b) (7)(C)

CASE #: OI-NE-2013-ADM-0013

CROSS REFERENCE #: COMP-2013-93

TITLE: Allegations Against (b) (6), (b) (7)(C), EPA

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|----------|-------------------------|
| (b) (6), (b) (7)(C) | RTP, NC | EPA (b) (6), (b) (7)(C) |

POTENTIAL VIOLATION(S):

18 USC § 1513 - Retaliating against a witness, victim, or an informant

ALLEGATION:

On March 22, 2013, Resident Agent in Charge (RAC) (b) (6), (b) (7)(C), EPA Office of Inspector General, Office of Investigations, Washington Field Office, New York Post of Duty, received a complaint, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was being retaliated against and slandered by (b) (6), (b) (7)(C), EPA, (b) (6), (b) (7)(C) Research Triangle Park (RTP), NC (b) (6), (b) (7)(C) ordered that he (b) (6), (b) (7)(C) was not to do any work for or charge to his (b) (6), (b) (7)(C) work assignment (b) (6), (b) (7)(C)

FINDINGS:

(b) (6), (b) (7)(C) was told (b) (6), (b) (7)(C) wrote specific language in the (b) (6), (b) (7)(C) could not work more than 50% of their time on a specific (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) never said anything directly to him relative to reduced roles for (b) (6), (b) (7)(C) and/or the other (b) (6), (b) (7)(C) employee (b) (6), (b) (7)(C). A review of emails

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confirmed that the 50% limitation applied to all (b) (6), (b) (7)(C) employees assigned to those (b) (6), (b) (7)(C) not just (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Based on a review of emails and an interview with the EPA Contracting Officer Representative (COR), (b) (6), (b) (7)(C) was removed from the (b) (6), (b) (7)(C) contract due to performance issues. According to the COR, (b) (6), (b) (7)(C)

he COR advised there was extensive documenting and discussion on this matter (removal of (b) (6), (b) (7)(C) from the work assignment) with herself and herself in turn to a degree with the EPA Contracting Officer.

The COR also advised that (b) (6), (b) (7)(C) resigned from (b) (6), (b) (7)(C)

DISPOSITION: Inconclusive; Closed

Based on the information detailed above, the allegation was deemed inconclusive. Sufficient information was not developed to confirm that (b) (6), (b) (7)(C) retaliated against (b) (6), (b) (7)(C). As such, this investigation was not presented for criminal and/or civil prosecution. As the allegation relative to the EPA employee was deemed inconclusive, no administrative action was pursued. Neither (b) (6), (b) (7)(C), nor (b) (6), (b) (7)(C) are currently working at (b) (6), (b) (7)(C) and/or on the contract. Accordingly, OI will be closing this matter at this time.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

290 BROADWAY, ROOM 1520
NEW YORK, NY 10007

DATE: November 1, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-NE-2017-ADM-0135

CROSS REFERENCE #: COMP-2017-76

TITLE: (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---------------------|------------|
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | |

POTENTIAL VIOLATION:

1. Title 18 USC Section 641 – Theft

ALLEGATION:

On July 17, 2017, the New York Post of Duty, Washington Field Office, Office of Inspector General, Environmental Protection Agency (EPA), New York, NY received information concerning (b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

EPA, (b) (6), (b) (7)(C). According to the complainant, (b) (6), (b) (7)(C) never shows up to work, or comes in at 10:00 am and leaves work around 2:00 pm and has openly stated that he watches television news in the mornings. The complainant further alleged that (b) (6), (b) (7)(C) overspent money on relocating families in (b) (6), (b) (7)(C) spending \$2,000 on lunch for them and \$30,000 for their hotel. The complainant believed this spending was covered up in EPA Region 2 and not sent to headquarters for ratification.

FINDINGS:

Sufficient information was not developed to suggest (b) (6), (b) (7)(C) violated Title 18 USC Section 641 or abused his OSC authority.

On August 14, 2017, (b) (6), (b) (7)(C) Contracting Officer (CO), EPA, New York, NY was interviewed. (b) (6), (b) (7)(C) recalled the issue of the relocation of the (b) (6), (b) (7)(C) residents as a “fiasco” and recalled that about \$26,000 was initially suspended but ultimately only approximately \$1,000 was disallowed. The initial issue with the expenditure was that there was no backup documentation to support the room and per diem charges. A review of the costs by (b) (6), (b) (7)(C), Field Account Specialist, Removal Support Section, EPA, (b) (6), (b) (7)(C) initially determined that the backup

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documentation supported \$30,797.36 of the \$31,895.96 with \$1,098.60 to remain suspended. (b) (6), (b) (7)(C) subsequently re-reviewed the documentation after discussion with (b) (6), (b) (7)(C) and concurred with (b) (6), (b) (7)(C)'s estimate of \$1,892.16 to be suspended. (b) (6), (b) (7)(C) also initially disputed the \$31,895.96 amount claimed by the contractor.

According to (b) (6), (b) (7)(C), it was initially believed that the first hotel identified was "crack infested," therefore someone, possibly "community relations" representatives, advised that the residents should be moved. (b) (6), (b) (7)(C) later stated the New Jersey Department of Health may have made the determination. At the time, the Democratic National Convention was being held in Philadelphia, PA so the only hotels available were charging higher prices for lodging. A review of documents pertaining to the (b) (6), (b) (7)(C) relocation effort identified a concern of moving the residents from an apparent subpar hotel to other more suitable hotels. OI also reviewed correspondence between various personnel with the EPA, the EPA contractor, and the (b) (6), (b) (7)(C) NJ Health Department concerning the relocation of the residents, its justification, as well as suspended and unallowable costs.

On November 20, 2017, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA, (b) (6), (b) (7)(C) was interviewed. (b) (6), (b) (7)(C) confirmed that (b) (6), (b) (7)(C) has been authorized to work at home in the mornings under the Alternate Work Schedule (AWL) program. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) start time is earlier than 10:00 am but reiterated that (b) (6), (b) (7)(C) works at home in the mornings. (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) provides management with a list of what he will be working on each time, to include productivity reports and inspection results. (b) (6), (b) (7)(C) was aware of the complaints about (b) (6), (b) (7)(C) not working but was satisfied with his work product. (b) (6), (b) (7)(C) confirmed that some information for (b) (6), (b) (7)(C) work involves information received from television news, however, it's not the primary source. (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) immediate supervisor, monitors (b) (6), (b) (7)(C) work.

On November 22, 2017, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA, (b) (6), (b) (7)(C) was interviewed. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) work hours start at 6:30 am and believed he stayed longer than 2:00 pm. According to (b) (6), (b) (7)(C), she always finds (b) (6), (b) (7)(C) at work until 3:30 pm but confirmed he does come into work later. (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) takes about three to four hours AWL on some days and on other days he puts in for leave. (b) (6), (b) (7)(C) stated that both (b) (6), (b) (7)(C) and herself approve the AWL for (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that she could see (b) (6), (b) (7)(C) saying that he watched television for work but that he was probably referring to emergency response issues. (b) (6), (b) (7)(C) provided an example where (b) (6), (b) (7)(C) might say something like, "I'm getting better information from channel 12." (b) (6), (b) (7)(C) commented that (b) (6), (b) (7)(C) can make "sweeping statements" which can be misinterpreted. According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) is "far and away" their best (b) (6), (b) (7)(C) adding that they wouldn't have a (b) (6), (b) (7)(C) program without (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) did not have any issues with (b) (6), (b) (7)(C) work output and stated his reports are generated in a timely fashion.

DISPOSITION: Not Supported; Closed

Sufficient information was not developed to believe (b) (6), (b) (7)(C) was committing timecard fraud therefore this case was not presented for criminal prosecution. (b) (6), (b) (7)(C) was approved AWL in the mornings and it was also confirmed that he takes leave when necessary. EPA Management is satisfied with (b) (6), (b) (7)(C) work output. Record reviews and interviews determined (b) (6), (b) (7)(C) questioned

costs related to the (b) (6), (b) (7)(C) family relocation, and that those expenditures were ultimately approved with some costs suspended. As such, this investigation is closed in this office.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

290 BROADWAY, ROOM 1520
NEW YORK, NY 10007

DATE: November 16, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-NE-2017-ADM-0136

CROSS REFERENCE #: COMP-2017-76

TITLE: (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---------------------|------------|
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | |

POTENTIAL VIOLATION:

1. Title 18 USC Section 641 – Theft

ALLEGATION:

On July 17, 2017, the New York Post of Duty, Washington Field Office, Office of Inspector General, Environmental Protection Agency (EPA), New York, NY received information concerning (b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), EPA, (b) (6), (b) (7)(C). It was alleged that (b) (6), (b) (7)(C) hasn't been seen in the office for months and that he manages a (b) (6), (b) (7)(C) business from his home. The complainant further stated that (b) (6), (b) (7)(C) has not been around that much for approximately 10 years.

FINDINGS:

Sufficient information was not developed to suggest (b) (6), (b) (7)(C) violated Title 18 USC Section 641 - Theft.

On November 20, 2017, (b) (6), (b) (7)(C) second line supervisor, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) EPA, (b) (6), (b) (7)(C) was interviewed. (b) (6), (b) (7)(C) confirmed that (b) (6), (b) (7)(C) was hardly in the office but related it was due to a (b) (6), (b) (7)(C) and that (b) (6), (b) (7)(C) works mainly at his home (b) (6), (b) (7)(C) advised that when he (b) (6), (b) (7)(C) took over there wasn't much documentation concerning this however they were in the process of correcting it. (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C) also takes a lot of leave without pay (LWOP).

On November 22, 2017, (b) (6), (b) (7)(C) immediate supervisor, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) EPA, (b) (6), (b) (7)(C) was interviewed. (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) has a (b) (6), (b) (7)(C) which is why he works at home. The situation started about one and a half to two years prior to her becoming

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his supervisor. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) also takes a tremendous amount of LWOP, approximately three to four hours each day. (b) (6), (b) (7)(C) does (b) (6), (b) (7)(C) as part of his job and the problem is that employees only see things from the outside. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was not getting paid for work not performed. (b) (6), (b) (7)(C) was aware of (b) (6), (b) (7)(C) side business and knows that he submits Office of Government Ethics (OGE) 450s (Confidential Financial Disclosure Report). (b) (6), (b) (7)(C) noted that (b) (6), (b) (7)(C) does not believe (b) (6), (b) (7)(C) needs to submit OGE 450s and believes (b) (6), (b) (7)(C) may not be required to submit them anymore. (b) (6), (b) (7)(C) stated the work (b) (6), (b) (7)(C) does is invaluable, that he has good judgment, and she likes to have new people work with (b) (6), (b) (7)(C) to get experience.

A review of (b) (6), (b) (7)(C) EPA time reporting records identified large amounts of annual leave, sick leave, and LWOP. Review consisted of the timekeeping records for 29 pay periods, to include all of 2017. Review identified a minimum of 20 hours of leave: either annual, sick, or LWOP, or a combination thereof, had been taken in each of the 29 pay periods. The highest amount of leave taken in any one pay period was 57 hours.

A review of (b) (6), (b) (7)(C) OGE 450 for 2017 confirmed (b) (6), (b) (7)(C) had reported his side business.

DISPOSITION: Not Supported; Closed

The investigation did not develop sufficient information to believe (b) (6), (b) (7)(C) was committing timecard fraud. As such, this case was not presented for criminal prosecution. As it was confirmed (b) (6), (b) (7)(C) was authorized to work at home, reported his side business, and takes large amounts of leave, continued investigation would not be in the best interests of the government. Due to the large amount of leave (b) (6), (b) (7)(C) takes on a regular basis it was believed it may affect his status as a fulltime employee; therefore, this matter was briefed to (b) (6), (b) (7)(C) for any action deemed appropriate. During the briefing (b) (6), (b) (7)(C) advised that he was working with EPA Human Resources concerning this issue in addition to recent performance issues with (b) (6), (b) (7)(C). This investigation is closed in this office.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

290 BROADWAY, ROOM 1520
NEW YORK, NY 10007

DATE: October 30, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-NE-2018-ADM-0098

CROSS REFERENCE #: COMP-2018-13

TITLE: (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---------------------|------------|
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | |

POTENTIAL VIOLATION:

1. Title 18 USC Section 641 – Theft

ALLEGATION:

On October 6, 2017, the Washington Field Office, New York Post of Duty, Office of Inspector General, Environmental Protection Agency (EPA), New York, NY received information concerning alleged time and attendance fraud committed by (b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), Environmental Protection Agency (EPA), (b) (6), (b) (7)(C). According to the complainant, (b) (6), (b) (7)(C) was leaving earlier than his core hours. (b) (6), (b) (7)(C) was alleged to have been coming in to work at 05:00 AM and leaving prior to the end of his shift. The complainant reviewed the (b) (6), (b) (7)(C) claimed to have seen “a trend of (b) (6), (b) (7)(C) at 5:00 AM, leaving early, and at times no Leave indicated.” The complainant further advised that an administrative assistant would come in early and not see (b) (6), (b) (7)(C) in the office until after (b) (6), (b) (7)(C) was present. (b) (6), (b) (7)(C) would also see him consistently leave around 2:00 pm.

FINDINGS:

Sufficient information was not developed to suggest (b) (6), (b) (7)(C) violated Title 18 USC Section 641 - Theft.

(b) (6), (b) (7)(C)

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On September 25, 2018, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) was interviewed. (b) (6), (b) (7)(C) related that he has never seen (b) (6), (b) (7)(C) leave work early and, in fact, most of the time he notices (b) (6), (b) (7)(C) at the end of his workday speaking with his immediate supervisor, (b) (6), (b) (7)(C), in (b) (6), (b) (7)(C) office. (b) (6), (b) (7)(C) has never received, nor heard of, any complaints against (b) (6), (b) (7)(C).

On September 27, 2018, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) was interviewed. (b) (6), (b) (7)(C) advised that he has never received any complaints of (b) (6), (b) (7)(C) leaving work early and stated most of the time (b) (6), (b) (7)(C) sits in his (b) (6), (b) (7)(C) office at the end of the workday talking. (b) (6), (b) (7)(C) also stated that sometimes (b) (6), (b) (7)(C), as an (b) (6), (b) (7)(C), would leave the office and stop at a site location on his way home, which was authorized.

DISPOSITION: Not Supported; Closed

Investigation did not develop sufficient information to believe (b) (6), (b) (7)(C) was committing timecard fraud therefore this case was not presented for criminal prosecution. Neither (b) (6), (b) (7)(C) Branch Chief nor Section Chief, who work in the same office area as (b) (6), (b) (7)(C), had any issues with (b) (6), (b) (7)(C) time and attendance. The only examples provided to OI were (b) (6), (b) (7)(C) logs which were over two years old. As these examples could logically be explained by accidental omission by (b) (6), (b) (7)(C), as well as the complainant's own lack of knowledge of what (b) (6), (b) (7)(C) management had known and authorized, continued investigation is not believed to be in the best interests of the government. This investigation is closed in this office.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1650 ARCH STREET
PHILADELPHIA, PA 19103

DATE: November 25, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-NE-2019-ADM-0025

CROSS REFERENCE #: Hotline 2018-0223

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|----------------------------------|------------|
| (b) (6), (b) (7)(C) | Washington, DC Washington, DC | |

POTENTIAL VIOLATION:

18 U.S. Code §641 - Theft

ALLEGATION:

On April 21, 2018, the Washington Field Office, Office of Inspector General, Environmental Protection Agency (EPA), Washington, DC received hotline complaint number 2018-0223. The anonymous complainant alleged (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) EPA, Washington, DC had been abusing telework privileges by reporting episodic telework as regular hours with the knowledge of his supervisors; by conducting personal travel on his telework days; and being unreachable during official telework hours. An inquiry was opened to validate the allegation of timecard fraud.

FINDINGS:

Preliminary records reviews, to include reviews of emails, People Plus records, eOPF, etc., were unable to identify any information to suggest that (b) (6), (b) (7)(C) was conducting personal travel during official telework hours.

DISPOSITION: Inconclusive; Closed

As a preliminary investigation did not develop sufficient information to believe (b) (6), (b) (7)(C) may have been charging personal time to EPA; as clarifying information is unobtainable from the source of the complaint; and as the use of specialized investigative equipment, techniques, and personnel for this inquiry would not be cost effective; no further action will be taken. On June 5, 2019, a referral letter

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describing the allegations was forwarded to (b) (6), (b) (7)(C) management for whatever action they deemed necessary. This investigation is closed in this office.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

75 Hawthorne Street, 8th Floor
San Francisco, CA 94105

DATE: January 11, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-SA-2017-ADM-0100

CROSS REFERENCE #: Hotline #2017-0216

TITLE: (b) (6), (b) (7)(C), GS-8, (b) (6), (b) (7)(C), R9

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---|---|
| (b) (6), (b) (7)(C) | 75 Hawthorne Street San Francisco, CA, 94105 | Spinoff investigation number OI-SA-2017-ADM-0139 |

VIOLATIONS:

| | |
|------------------------|--|
| 18 U.S.C. § 287 | False, Fictitious or Fraudulent Claims |
| 18 U.S.C. § 371 | Conspiracy |
| 18 U.S.C. § 1001 | False Statements |
| EPA Order 3120.1(1)(c) | Failure to follow established leave procedures |
| EPA Order 3120.1(31) | Falsifying time and attendance records for oneself or another employee |

ALLEGATION: This investigation was predicated upon an anonymous complaint received by the EPA OIG Hotline alleging time and attendance fraud by (b) (6), (b) (7)(C), GS-8, (b) (6), (b) (7)(C), Region 9, EPA, San Francisco, California, with the knowledge and potential assistance of her supervisors. The allegations included that on January 13 and 19, May 23, and December 23, 2016, (b) (6), (b) (7)(C) was not at work, at an approved off-site work location, or on approved leave, yet claimed to have worked her Regular Hours. It was also alleged that on January 14, November 10, and December 16, 2016; and January 30, and February 2, 2017, (b) (6), (b) (7)(C) claimed to have worked Regular Hours while not actually having worked or been on approved leave.

FINDINGS: Interviews of EPA personnel; an interview of (b) (6), (b) (7)(C); a review of email files; and a timesheet and access badge analysis were conducted. The investigation supported the allegations of time and attendance fraud in that no facts or evidence could be found to show (b) (6), (b) (7)(C) was at work, or on approved leave during the aforementioned dates.

Spinoff investigation number OI-SA-2017-ADM-0139 did not support the allegation regarding collusion amongst (b) (6), (b) (7)(C) and her supervisors in the commitment of time and attendance fraud.

DISPOSITION: On July 11, 2017, this matter was referred to the United States Attorney's Office (USAO) for the Northern District of California, San Francisco, California, for prosecution consideration. The USAO declined prosecution under the above-noted United States Codes based on the findings during the investigation (b) (6), (b) (7)(C), (b) (5), (b) (7)(E) [REDACTED].

On October 2, 2017, a Report of Investigation was provided to (b) (6), (b) (7)(C), Acting Regional Administrator, Region 9, EPA, San Francisco, California, for action deemed appropriate.

On November 13, 2017, (b) (6), (b) (7)(C) was (b) (2) [REDACTED].

On (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) was terminated from her employment with the EPA.

All criminal and administrative remedies have been addressed and no further investigative activity is warranted. This case is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 Hawthorne Street, 8th Floor
San Francisco, CA 94105

DATE: January 5, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-SA-2017-ADM-0139

CROSS REFERENCE #: OI-SA-2017-ADM-0100

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C), R9

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---|---------------|
| (b) (6), (b) (7)(C) | 75 Hawthorne St, San Francisco, CA, 94105 | Section Chief |

VIOLATIONS:

EPA Order 3120.1(1)(c)
EPA Order 3120.1(31)

Failure to follow established leave procedures
Falsifying time and attendance records for oneself or another employee

ALLEGATION: (b) (6), (b) (7)(C), (b) (7)(E)

it was alleged that (b) (6), (b) (7)(C) did not exercise due diligence in the authorization and approval of time and attendance related to (b) (6), (b) (7)(C) Region 9, EPA, San Francisco, California, on January 13, 14, and 19; May 23; November 10; and December 16 and 23, 2016; and January 30, and February 2, 2017.

FINDINGS: The investigation supported that (b) (6), (b) (7)(C) approved (b) (6), (b) (7)(C) timesheet for regular hours worked on January 13 and 19, May 23, and December 23, 2016, when (b) (6), (b) (7)(C) did not work those hours. (b) (6), (b) (7)(C) also approved (b) (6), (b) (7)(C) timesheets for regular hours worked on January 14, November 10, and December 16, 2016; and January 30, and February 2, 2017, when (b) (6), (b) (7)(C) did not work those hours. To the extent that (b) (6), (b) (7)(C) requested sick leave on January 14, November 10, and December 16, 2016; and January 30, and February 2, 2017, (b) (6), (b) (7)(C) did not properly document any approval for Advanced Sick Leave. Interviews conducted, along with a review of EPA email profiles did not disclose any information to support collusion amongst the parties involved.

DISPOSITION: On October 2, 2017, a Report of Investigation was provided to (b) (6), (b) (7)(C), Acting Regional Administrator, Region 9, EPA, San Francisco, California, for action deemed appropriate. On November 30, 2017, (b) (6), (b) (7)(C) was issued a (b) (2) based on (b) (6), (b) (7)(C)

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negligent performance of duties based on (b) (6), (b) (7)(C) lack of conducting due diligence in the authorization and approval of (b) (6), (b) (7)(C) time and attendance.

All administrative remedies have been addressed and no further investigative activity is warranted. This case is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20004

September 21, 2017

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Region 9

FROM: Patrick Sullivan *Patrick Sullivan*
Assistant Inspector General
Office of Investigations

TO: (b) (6), (b) (7)(C)
Acting Regional Administrator
Region 9

Attached is a copy of our Report of Investigation on the above-captioned subject. The United States Environmental Protection Agency (EPA), Office of Inspector General, Office of Investigations conducted an investigation related to whether or not (b) (6), (b) (7)(C) was exercising due diligence in the authorization and approval of a subordinate employee's time and attendance, in possible violation of:

| | |
|------------------------|--|
| EPA Order 3120.1(1)(c) | Failure to Follow Established Leave Procedures |
| EPA Order 3120.1(31) | Falsifying Time and Attendance Records for Oneself or Another Employee |

The investigation supported that (b) (6), (b) (7)(C) was not exercising due diligence in the authorization and approval of a subordinate employee's time and attendance on January 13, 14 and 19, May 23, November 10, and December 16 and 23, 2016; and January 30, and February 2, 2017. (b) (6), (b) (7)(C) did not assure that the subordinate employee's absences were properly charged and recorded, nor that the subordinate employee's potential requests for advanced sick leave were documented in accordance with EPA policy.

This matter was referred to the United States Attorney's Office (USAO), Northern District of California, San Francisco, California. The USAO declined prosecution based on the investigation

(b) (5), (b) (7)(E)

In considering administrative action regarding (b) (6), (b) (7)(C), your attention is directed to the EPA Conduct and Discipline Manual, EPA Order 3120.1, which prescribes policies for administering disciplinary action within the agency. The manual contains a list of offenses with suggested penalties, although the list is not intended to be all inclusive. For offenses not included, penalties may be imposed consistent with penalties contained in the manual for offenses of comparable gravity.

The information on the Conduct and Discipline Manual is provided to assist you in determining what action, if any, is warranted; however, it does not constitute a “charge” against (b) (6), (b) (7)(C). It is the responsibility of the action official alone to evaluate the information contained in the report and decide whether action under any part of the Conduct and Discipline Manual is appropriate.

It is recommended that you contact the Regional Human Resources Office for any necessary guidance about personnel regulations.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of any administrative action taken or proposed by you in this matter. This report is “For Official Use Only” and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action.

Should you have any questions, particularly regarding the investigative report, please free to call either myself at (b) (6), (b) (7)(C) or Special Agent (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C).

Attachment: Report of Investigation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

1 SEP 21 2017

REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C) GS-14, (b) (6), (b) (7)(C) REGION 9
CASE NUMBER: OI-SA-2017-ADM-0139

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Distribution:

(b) (6), (b) (7)(C)

Acting Regional Administrator
Region 9
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
With Attachments

Wendy Blake
Associate General Counsel
Office of General Counsel
United States Environmental Protection Agency
Room 4020A WJC North
Washington, DC 20460
Informational Purposes Only
With Attachments

Submitted by:

(b) (6), (b) (7)(C)


(b) (6), (b) (7)(C)
Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
Acting Special Agent in Charge
Office of Investigations

Reviewed by:


Patrick Sullivan
Assistant Inspector General
Office of Investigations

| | | | |
|-----------------|---------------------|---------------|---------------------------------|
| CASE NO.: | OI-SA-2017-ADM-0139 | DATE OPENED: | April 19, 2017 |
| REPORT OF: | (b) (6), (b) (7)(C) | CASE AGENT: | (b) (6), (b) (7)(C) |
| CASE CATEGORY: | Employee Integrity | OFFICE: | San Francisco Field Office |
| JOINT AGENCIES: | N/A | JURISDICTION: | Northern District of California |

SECTION A – NARRATIVE:

Introduction

The United States Environmental Protection Agency (EPA) Office of Inspector General (OIG) Office of Investigations (OI) conducted investigation OI-SA-2017-ADM-0100, related to a complaint received alleging time and attendance fraud committed by (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), Region 9, San Francisco, California, with the knowledge and potential assistance of her supervisors, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), Region 9, EPA, San Francisco, California. During the investigation, an additional allegation was developed as to whether (b) (6), (b) (7)(C) was exercising due diligence in the authorization and approval of (b) (6), (b) (7)(C) time and attendance.

Synopsis

During this investigation, interviews of EPA personnel, a review of emails, and a review of timesheets and access badge records was conducted.

The investigation did not support (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) conspiring with (b) (6), (b) (7)(C) to commit time card fraud. Interviews of, and a review of the EPA email profiles for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) did not disclose any information showing collusion amongst the three parties regarding (b) (6), (b) (7)(C) commission of time card fraud.

This investigation did support the allegation that (b) (6), (b) (7)(C) was not exercising due diligence in the authorization and approval of (b) (6), (b) (7)(C) time and attendance on January 13, 14 and 19, May 23, November 10, and December 16 and 23, 2016; and January 30, and February 2, 2017. (b) (6), (b) (7)(C) did not assure that (b) (6), (b) (7)(C) absences were properly charged and recorded, nor that (b) (6), (b) (7)(C) potential requests for advanced sick leave (ADVSL) were documented in accordance with EPA policy.

Possible violations:

| | |
|------------------------|--|
| EPA Order 3120.1(1)(c) | Failure to Follow Established Leave Procedures |
| EPA Order 3120.1(31) | Falsifying Time and Attendance Records for Oneself or Another Employee |

Details

Allegation 1: (b) (6), (b) (7)(C) did not exercise due diligence in the authorization and approval of (b) (6), (b) (7)(C) time and attendance on January 13, 14 and 19, May 23, November 10, and December 16 and 23, 2016; and January 30, and February 2, 2017.

Allegation 1 Findings: This allegation is supported in that (b) (6), (b) (7)(C) approved (b) (6), (b) (7)(C) timesheet for regular hours worked on January 13 and 19, May 23, and December 23, 2016, when (b) (6), (b) (7)(C) did not work these hours. (b) (6), (b) (7)(C) also approved of (b) (6), (b) (7)(C) timesheet for regular hours worked on January 14, November 10, and December 16, 2016; and January 30, and February 2, 2017, when (b) (6), (b) (7)(C) did not work these hours. To the extent that (b) (6), (b) (7)(C) requested sick leave on January 14, November 10, and December 16, 2016; and January 30, and February 2, 2017, (b) (6), (b) (7)(C) did not properly document any approval for ADVSL. (Reference EPA Leave Manual, Chapter 3). (Exhibits 1 and 2)

Investigative Results: During the interview of (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) provided a general understanding of how (b) (6), (b) (7)(C) would normally approve ADVSL for (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) required ADVSL (Exhibit 4). (b) (6), (b) (7)(C) received some medical documentation from (b) (6), (b) (7)(C) for advanced sick leave taken in early 2016 (Exhibit 2). (b) (6), (b) (7)(C) later provided those same documents to SA (b) (6), (b) (7)(C) following her interview (Exhibit 5).

A review of (b) (6), (b) (7)(C) EPA access badge and the use of her EPA email account was used to determine if (b) (6), (b) (7)(C) was in the building and working on the dates (Exhibit 1, 2, and 3). There was no activity reported on (b) (6), (b) (7)(C) EPA access badge or her EPA email account. (b) (6), (b) (7)(C) was the approving official for (b) (6), (b) (7)(C) timesheets on these dates, where she claimed Regular Hours (Exhibit 1).

(b) (6), (b) (7)(C) timesheets were approved for regular work on the above listed dates where she may have been out sick. (b) (6), (b) (7)(C) was responsible to ensure (b) (6), (b) (7)(C) properly charged for the correct leave, as well as to correctly approve/disapprove leave requests submitted by her. (b) (6), (b) (7)(C) did maintain text messages and emails received from (b) (6), (b) (7)(C), as recorded in Allegation 2, but (b) (6), (b) (7)(C) failed to ensure (b) (6), (b) (7)(C) properly recorded her timesheet to reflect her leave. To the extent (b) (6), (b) (7)(C) approved (b) (6), (b) (7)(C) absences as ADVSL, (b) (6), (b) (7)(C) failed to ensure they were properly documented (i.e. no medical certificate for these dates, no approval document retained by the time and attendance clerk, etc.) (Exhibit 1, 3 and 4).

Allegation 2: (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), assisted (b) (6), (b) (7)(C) in her attempted time and attendance fraud.

Allegation 2 Findings: This allegation is not supported. Interviews of (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C), along with a review of their respective EPA email profiles did not disclose any information showing collusion amongst the three parties regarding (b) (6), (b) (7)(C) alleged commission of time and attendance fraud.

Investigative Results: A review of the EPA email profiles of (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) revealed no collusion between the three, or between either supervisor and (b) (6), (b) (7)(C) (Exhibit 2). Emails from (b) (6), (b) (7)(C) show (b) (6), (b) (7)(C) reminding her to change her hours to various forms of leave upon her return to the office (Exhibit 4). (b) (6), (b) (7)(C) had been (b) (6), (b) (7)(C) supervisor for some periods within the past two years, but there do not appear to be any communications between the two to confirm (b) (6), (b) (7)(C) attempting to assist (b) (6), (b) (7)(C) in committing time and attendance fraud (Exhibit 2). (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and

(b) (6), (b) (7)(C) denied having worked together, or to have conspired to assist (b) (6), (b) (7)(C) with committing any form of time card fraud.

Disposition

This Report of Investigation is being issued to Acting Regional Administrator (b) (6), (b) (7)(C) for administrative remedies or actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) (Region 9)
Role: Subject
Business Address: 75 Hawthorne Street, San Francisco, CA 94105
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) (Region 9)
Role: Subject
Business Address: 75 Hawthorne Street, San Francisco, CA 94105
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

On July 11, 2017, case OI-SA-2017-ADM-0100, involving (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), was presented to the United States Attorney's Office (USAO), Criminal Division, Northern District of California, San Francisco, California, for prosecution consideration. That same day, the USAO declined prosecution of possible violations of 18 U.S.C. § 287 (False, Fictitious or Fraudulent Claims), § 371 (Conspiracy) and § 1001 (False Statements) (b) (5), (b) (7)(E)

EXHIBITS

| <u>EXHIBIT</u> | <u>DESCRIPTION</u> |
|----------------|--|
| 1 | Memorandum of Activity – Timesheet and Access Badge Analysis |
| 2 | Memorandum of Activity – (b) (6), (b) (7)(C) Emails |
| 3 | Memorandum of Activity – Estimated Loss to Government UPDATE |
| 4 | Memorandum of Interview – (b) (6), (b) (7)(C) |
| 5 | Memorandum of Interview – (b) (6), (b) (7)(C) |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 Hawthorne Street, 8th Floor
San Francisco, CA 94105

DATE: October 24, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-SA-2018-ADM-0057

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|-------------------|------------|
| (b) (6), (b) (7)(C) | San Francisco, CA | |
| (b) (6), (b) (7)(C) | Pittsburgh, CA | |

VIOLATIONS:

41 C.F.R. 102.74

Facility Management

EPA Order 3210

Physical Security Program

EPA Order 3120.1(3)

Breach of security regulations or practice

EPA Order 3120.1(5)

Making false, malicious or unfounded statements against coworkers, supervisors, subordinates or Government officials which tend to damage the reputation or undermine the authority of those concerned

Region 9 Security Policy & Procedures

ALLEGATION: On February 14, 2018, Office of Investigations, Office of Inspector General, U.S. Environmental Protection Agency (EPA), San Francisco Field Office, was provided information by the EPA R9 Facilities, Security & Safety Office Infrastructure Services Branch, regarding the circumvention of building security measures by (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C).

FINDINGS: The investigation supported that on January 30, 2018, (b) (6), (b) (7)(C) willingly, and deliberately bypassed security measures at 75 Hawthorne Street, San Francisco, CA, by assisting (b) (6), (b) (7)(C), Pittsburgh, CA, a visitor to the building, in transporting a metal container (cup) past the security screening area, after security guards refused to let (b) (6), (b) (7)(C) through security without proper screening.

RESTRICTED INFORMATION

Page 1

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A review of CCTV recordings showed (b) (6), (b) (7)(C) placing the cup on a ledge outside the main entrance to the building. Shortly after, (b) (6), (b) (7)(C) is observed exiting the security turnstile, talking to (b) (6), (b) (7)(C), reentering through the security turnstile, and then again exiting, going directly to the item left outside by (b) (6), (b) (7)(C). The outside camera shows (b) (6), (b) (7)(C) retrieve the item. (b) (6), (b) (7)(C) is again observed entering the security turnstile with the item in her hand.

During the interview of (b) (6), (b) (7)(C), she admitted to retrieving the cup as requested by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) admits to not looking into the cup to verify its contents. She denied having knowledge as to why the item was placed outside, or why it was not run through security screening by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) admitted to knowing (b) (6), (b) (7)(C) prior to this incident, but they are not in regular contact.

DISPOSITION: EPA Region 9 determined the matter regarding (b) (6), (b) (7)(C) best handled with a (b) (2). The matter involving (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) was presented to the Federal Protective Service (FPS) to take action as they see fit under 41 C.F.R. 102.74. FPS declined to provide a citation or to take any further action. (b) (6), (b) (7)(C) was involved with another matter involving security measures at another Department of Homeland Security building.

No further investigative activity is warranted. This case is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C) GS-13; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) REGION 9

CASE NUMBER: OI-SA-2018-ADM-0057

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Distribution:

(b) (6), (b) (7)(C)

Acting Deputy Regional Administrator
Region 9
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
With Attachments

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Region 9
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
With Attachments

Wendy Blake
Associate General Counsel
Office of General Counsel
United States Environmental Protection Agency
Room 4020A WJC North
Washington, DC 20460
Informational Purposes Only
With Attachments

Submitted by:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
Special Agent in Charge
Office of Investigations

Reviewed by:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

| | | | |
|-----------------|---------------------|---------------|----------------------------|
| CASE NO.: | OI-SA-2018-ADM-0057 | DATE OPENED: | February 20, 2018 |
| REPORT OF: | (b) (6), (b) (7)(C) | CASE AGENT: | (b) (6), (b) (7)(C) |
| CASE CATEGORY: | Employee Integrity | OFFICE: | San Francisco Field Office |
| JOINT AGENCIES: | N/A | JURISDICTION: | Federal Protective Service |

SECTION A – NARRATIVE:

Introduction

The United States Environmental Protection Agency (EPA) Office of Inspector General (OIG) Office of Investigations (OI) conducted an investigation related to a complaint received alleging a security violation committed by (b) (6), (b) (7)(C) Region 9, San Francisco, California.

Synopsis

During this investigation, interviews of EPA personnel and others, a review of closed circuit television (CCTV) recordings, and a review of emails were conducted.

The investigation supported that on January 30, 2018, (b) (6), (b) (7)(C) willingly, and deliberately bypassed security measures at 75 Hawthorne Street, San Francisco, CA, by assisting (b) (6), (b) (7)(C) Pittsburgh, CA, a visitor to the building, in transporting a metal container (cup) past the security screening area, after security guards refused to let (b) (6), (b) (7)(C) through security without proper screening.

Possible violations:

| | |
|---------------------|--|
| 41 C.F.R. §102.74 | Facility Management |
| EPA Order 3210 | Physical Security Program |
| EPA Order 3120.1(3) | Breach of security regulations or practice |
| EPA Order 3120.1(5) | Making false, malicious or unfounded statements against coworkers, supervisors, subordinates or Government officials which tend to damage the reputation or undermine the authority of those concerned |

Region 9 Security Policy & Procedures

Details

Allegation 1: On January 30, 2018, (b) (6), (b) (7)(C) assisted (b) (6), (b) (7)(C) with bypassing security measures, by carrying (b) (6), (b) (7)(C) metal container (cup), through security without screening, at 75 Hawthorne St, San Francisco, CA.

Allegation 1 Findings: This allegation is supported. (b) (6), (b) (7)(C) was observed entering the security turnstile, without screening, with (b) (6), (b) (7)(C) metal container, and she admitted to doing so.

Investigative Results: A review of CCTV recordings showed (b) (6), (b) (7)(C) placing the metal container (cup) on a ledge outside the main entrance to the building. Shortly after, (b) (6), (b) (7)(C) is observed exiting the security turnstile, talking to (b) (6), (b) (7)(C) reentering through the security turnstile, and then again exiting, going directly to the item left outside by (b) (6), (b) (7)(C). The outside camera shows (b) (6), (b) (7)(C) retrieve the item. (b) (6), (b) (7)(C) is again observed entering the security turnstile with the item in her hand (Exhibit 3).

During the interview of (b) (6), (b) (7)(C), she admitted to retrieving the metal container (cup) as requested by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) admits to not looking into the cup to verify its contents. She denied having knowledge as to why the item was placed outside, or why it was not run through security screening by (b) (6), (b) (7)(C) (Exhibit 4). During an interview with (b) (6), (b) (7)(C) conducted by EPA-OIG-OI, she admitted to knowing (b) (6), (b) (7)(C) prior to this incident, but they are not in regular contact (Exhibit 4).

Allegation 2: Between January 31 and February 1, 2018, (b) (6), (b) (7)(C) emailed a complaint to the Acting Manager of the Emergency Management Division, Region 9 and then later provided conflicting information to OIG OI Special Agents, claiming to have observed an incident on January 30, 2018, accusing (b) (6), (b) (7)(C) of speaking to a woman in a condescending, unprofessional, and aggressive tone.

Allegation 2 Findings: This allegation is supported in that the investigation found (b) (6), (b) (7)(C) did not observe firsthand aspects of the complaint made by her to Region 9, nor did she identify the information as originating from (b) (6), (b) (7)(C).

Investigative Results: A comprehensive review of information obtained during the course of the investigation was conducted (Exhibit 5), specifically allegations made in an email from (b) (6), (b) (7)(C) (Exhibit 1), a review of CCTV recordings (Exhibit 3), and the interview of (b) (6), (b) (7)(C) on March 5, 2018 (Exhibit 4).

On February 1, 2018, (b) (6), (b) (7)(C) sent an email to (b) (6), (b) (7)(C) Acting Manager, Infrastructure Services Branch (ISB), to explain an incident she claimed to have observed in the lobby of 75 Hawthorne St, San Francisco, CA. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) did not indicate she heard this from (b) (6), (b) (7)(C), nor did she state so in her interview with SAs. In the email, she represents the information as having been witnessed by her. During her interview with EPA-OIG-OI, (b) (6), (b) (7)(C) denied knowledge of why (b) (6), (b) (7)(C) was in distress or upset while standing in security. This is contradictory to the information provided in her email to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) also denied knowledge of (b) (6), (b) (7)(C) being upset with security because of an issue with her coffee cup being scanned.

(b) (6), (b) (7)(C) recollection of the events transpired are in conflict with the events observed during a review of the CCTV recordings. During a review of the videos, (b) (6), (b) (7)(C) can be seen entering the lobby 04:01 minutes after the initial interaction between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). There does not appear to be any recognition of (b) (6), (b) (7)(C) by (b) (6), (b) (7)(C) as she enters the building. At minute 05:13 of the video, (b) (6), (b) (7)(C) is seen taking her belongings from the security screening area and walks towards the exit of the building. During her interview, (b) (6), (b) (7)(C) denied having knowledge of when and why the woman exited the building. At minute 05:37, (b) (6), (b) (7)(C) departs the main lobby through the turnstile, returning at minute

05:48 with (b) (6), (b) (7)(C) in view. (b) (6), (b) (7)(C) departs again at 06:08, returning at 06:36 with the metal cup, where she is seen looking to (b) (6), (b) (7)(C) waiting in the security line again, as (b) (6), (b) (7)(C) enters the turnstile.

(b) (6), (b) (7)(C) wrote in her email on February 1, 2018, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) This is in contradiction to what (b) (6), (b) (7)(C) said she witnessed during her interview, in which she indicated she did not know why (b) (6), (b) (7)(C) had to leave her cup outside the building. During the interview with (b) (6), (b) (7)(C), she stated she would not have brought in the cup if someone had told her she was not allowed to without security screening.

(b) (6), (b) (7)(C) wrote in her email on February 1, 2018, "After the woman disposed of her mug and walked through the gate, (b) (6), (b) (7)(C) stated loudly presumably to onlookers or other guards that the (sic) 'she's just sensitive.'" (b) (6), (b) (7)(C) provided information in her interview stating she and (b) (6), (b) (7)(C) had agreed to meet on the 7th floor to return the cup. A review of the CCTV videos shows (b) (6), (b) (7)(C) walking through the turnstile with the cup at minute 06:36, and directly to the lower elevator bank without delay. (b) (6), (b) (7)(C) is seen in the video waiting in line after (b) (6), (b) (7)(C) moves through, and does not pass through security till minute 07:15, at which point, (b) (6), (b) (7)(C) had already entered the lower elevator bank. During the time (b) (6), (b) (7)(C) is moving through security, (b) (6), (b) (7)(C) is engaged with other guests lined up to move through security, and there does not appear to be any interaction between him and (b) (6), (b) (7)(C).

The contradictions between the information provided by (b) (6), (b) (7)(C) in her initial reporting email to that of her interview with OIG-OI SAs are not fully explained. (b) (6), (b) (7)(C) does not represent the information provided as having originated from (b) (6), (b) (7)(C), but instead claims to have witnessed it (or presents the information as if she were the one witnessing it). (b) (6), (b) (7)(C) has worked for the EPA for (b) (6), (b) (7)(C) years, and is currently a GS-13. She is a college graduate, with experience in documenting facts, as well as presenting them. Security guards for 75 Hawthorne St have readily identified (b) (6), (b) (7)(C) as having been problematic in the past, being very vocal about her dislike of the security procedures in place (Exhibit 6). Prior to this incident (b) (6), (b) (7)(C) had been through security, and wanded for not wanting to comply with emptying her metal cup, the same issue as what initiated this event. These were facts all unknown to, or if known, not disclosed by (b) (6), (b) (7)(C).

Disposition

This Report of Investigation is being issued to (b) (6), (b) (7)(C), Acting Deputy Regional Administrator, EPA Region 9, and (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA Region 9, for administrative remedies or actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
Title & Company: (b) (6), (b) (7)(C) (Region 9)
Role: Subject
Business Address: 75 Hawthorne Street, San Francisco, CA 94105
Business Phone: (b) (6), (b) (7)(C)
EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS

This case is being presented to the Federal Protective Service, San Francisco, CA, under 40 U.S.C. § 1315 for review and to take appropriate action as determined under 41 C.F.R. §102-74, Facilities Management.

EXHIBITS

| <u>EXHIBIT</u> | <u>DESCRIPTION</u> |
|----------------|---|
| 1 | Memorandum of Activity – Emails |
| 2 | Memorandum of Interview – (b) (6), (b) (7)(C) |
| 3 | Memorandum of Activity – CCTV Review |
| 4 | Memorandum of Interview – (b) (6), (b) (7)(C) |
| 5 | Memorandum of Activity – Information Analysis |
| 6 | Memorandum of Interview – Security Officers |



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

290 BROADWAY, ROOM 1520
NEW YORK, NY 10007

DATE: January 3, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-AR-2015-ADM-0065

CROSS REFERENCE #: COMP-2015-74

TITLE: (b) (6), (b) (7)(C)

ENVIRONMENTAL PROTECTION AGENCY,
WASHINGTON, DC

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|----------------------------------|--|
| (b) (6), (b) (7)(C) | Washington, DC Washington, DC | EPA Employee (b) (6), (b) (7)(C) Employee |

POTENTIAL VIOLATION(S):

1. 18 U.S.C. § 1028 – Fraud and related activity in connection with identification documents, authentication features, and information
2. 18 U.S.C. § 1001 – False statement
3. EPA Order 3120.1, EPA Conduct and Discipline Manual, Appendix – Table of Penalties #16 – Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding
4. EPA Office of the Chief Financial Officer Resource Management Directive System 2550B (Official Travel) Policy Manual

ALLEGATION:

On November 30, 2014, the Washington Field Office, Office of Inspector General (OIG), Environmental Protection Agency (EPA), Arlington, VA received EPA Hotline Complaint 2015-044. According to the complaint, EPA employee (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), EPA, Washington, DC may have misused (b) (6) government issued travel credit card, possibly by allowing (b) (6), (b) (7)(C) make automatic teller machine withdrawals.

During the course of this investigation information was developed to suggest (b) (6) may have provided false information concerning (b) (6), (b) (7)(C), using (b) (6) government travel card.

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FINDINGS:

Multiple document reviews and interviews were conducted which developed information to suggest (b) (6) provided false information concerning the use of (b) (6) government travel card.

On two occasions (b) (6) was interviewed. (b) (6) initially stated that (b) (6) had first learned of the questioned charges on (b) (6) government travel card after being contacted by the bank. (b) (6) related that (b) (6) had spoken with (b) (6) and confirmed that (b) (6) had made the cash withdrawals. (b) (6) stated that (b) (6) accidentally used the card thinking it was one of their personal credit cards. However, after continued investigation, (b) (6) was reinterviewed where (b) (6) admitted that it was (b) (6) and not (b) (6) who used (b) (6) government travel card and made the questioned cash withdrawals. (b) (6) recalled that (b) (6) may have used the money to pay bills and make random purchases.

DISPOSITION: Not Supported; Supported; Closed

Sufficient information was not developed to support (b) (6), (b) (7)(C) violated 18 U.S.C. § 1028, as alleged. Sufficient information was developed to support (b) (6), (b) (7)(C), misused (b) (6) government travel card, as well as provided false information to EPA management and EPA OIG investigators.

On April 1, 2016, this investigation was presented to the Public Integrity Section of the U.S. Department of Justice, Washington, DC for criminal prosecution but was declined.

On September 27, 2016, a report of investigation concerning this inquiry was provided to the Deputy Director, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, Washington, DC for any action deemed appropriate. This office was subsequently notified that on April 18, 2017, a Notice of Proposed Removal, citing a lack of candor and misuse of the government travel card, was provided to (b) (6). On (b) (6), (b) (7)(C) 2017, (b) (6) resigned from (b) (6) EPA position.

As all investigative steps have been taken this investigation is closed in this office.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

290 BROADWAY, ROOM 1520
NEW YORK, NY 10007

DATE: August 9, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-AR-2016-ADM-0036

CROSS REFERENCE #: COMP-2015-150

TITLE: (b) (6), (b) (7)(C), GS-15, (b) (6), (b) (7)(C)
EPA, WASHINGTON, DC

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|--|----------------|------------|
| (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) | Washington, DC | |

POTENTIAL VIOLATION(S):

1. 5 C.F.R. § 2635.702 – Use of public office for private gain
2. 5 C.F.R. § 2635.703 – Use of nonpublic information

ALLEGATION:

On July 23, 2015, the Washington Field Office, Office of Inspector General (OIG), Environmental Protection Agency (EPA), Arlington, VA initiated this complaint based on EPA OIG Hotline 2014-274. A conflict of interest was alleged between (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) previously worked with (b) (6), (b) (7)(C) at EPA and after (b) (6), (b) (7)(C) retired (b) (6), (b) (7)(C) obtained a consulting position (b) (6), (b) (7)(C). The complaint alleged the possibility of undue influence by (b) (6), (b) (7)(C) over (b) (6), (b) (7)(C); as well as the possibility that (b) (6), (b) (7)(C) somehow influenced the contractor resulting in (b) (6), (b) (7)(C) consulting position. During the course of this investigation preliminary information was developed to suggest (b) (6), (b) (7)(C) may have improperly forwarded an official EPA email to (b) (6), (b) (7)(C)

FINDINGS:

Multiple interviews and records reviews were conducted which did not develop sufficient information to suggest (b) (6), (b) (7)(C) violated 5 C.F.R. § 2635.702 or 5 C.F.R. § 2635.703.

On December 14, 2017, (b) (6), (b) (7)(C), EPA, Washington, DC was interviewed. (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C), (b) (5)

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(b) (6), (b) (7)(C), (b) (5)

the only potential issue (b) (6), (b) (7)(C) noted concerned the forwarding of the email to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) advised that a supervisor cannot accept volunteer services to assist with governmental work. (b) (6), (b) (7)(C) added, however, that there was the possibility it may have been sent to (b) (6), (b) (7)(C) by mistake.

DISPOSITION: Not Supported; Closed

Based on coordination with (b) (6), (b) (7)(C), sufficient information was not developed to suggest (b) (6), (b) (7)(C) violated 5 C.F.R. § 2635.702 – Use of public office for private gain. As the single occurrence of (b) (6), (b) (7)(C) forwarding an email containing unclassified EPA information to (b) (6), (b) (7)(C) did not appear to further a financial transaction or further any private interests; as it occurred over five years ago; and as no information was developed to suggest further coordination between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) concerning this email had occurred, sufficient information was not developed to suggest (b) (6), (b) (7)(C) violated 5 C.F.R. § 2635.703 – Use of nonpublic information. As it is believed continued investigation would not be in the best interests of the government, this investigation is closed in this office.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

1445 Ross Avenue, #1200

Dallas, Texas 75202

DATE: May 13, 2019

CASE #: OI-DA-2018-ADM-0006

PREPARED BY:

Special Agent (b) (6), (b) (7)(C)

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---------------------|------------|
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | |

VIOLATION(S):

5 C.F.R. 2635, Standards of ethical conduct for employees of the executive branch.

ALLEGATION:

On October 13, 2017, Special Agent (SA) (b) (6), (b) (7)(C) Office of Investigations (OI), Office of Inspector General (OIG), United States Environmental Protection Agency (EPA), Dallas, Texas, received EPA-OIG Hotline Complaint Number 2018-0017. The complaint originated from (b) (6), (b) (7)(C) call. On September (b) (6), (b) (7)(C) 2017, received a call and information from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated on September (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) was arrested for carrying a weapon, which was determined to be stolen. (b) (6), (b) (7)(C) was also charged with possession of controlled substance (18.4 grams of marijuana and 18.5 grams of Meth – Ice).

FINDINGS:

A review of the (b) (6), (b) (7)(C) Police Department (b) (6), (b) (7)(C) arrest report disclosed (b) (6), (b) (7)(C) stated to Officer (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) does smoke a little pot and has a record for possession. (b) (6), (b) (7)(C) also stated (b) (6), (b) (7)(C) does currently smoke marijuana and would probably not stop smoking.

On April 12, 2018, OIG investigator interviewed (b) (6), (b) (7)(C) supervisor, (b) (6), (b) (7)(C) to obtain information regarding (b) (6), (b) (7)(C) two arrest in 2017. (b) (6), (b) (7)(C) stated on September (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) learned of (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, arrest when (b) (6), (b) (7)(C) was released from jail and returned to work. (b) (6), (b) (7)(C) was absent from work and did not notify (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was considered absent without leave (AWOL). Upon (b) (6), (b) (7)(C) release and (b) (6), (b) (7)(C) return to work, (b) (6), (b) (7)(C) submitted a leave

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request for (b) (6), (b) (7)(C) the days (b) (6), (b) (7)(C) was in jail. (b) (6), (b) (7)(C) denied the leave request. (b) (6), (b) (7)(C) provided (b) (6), (b) (7)(C) a verbal reprimand for the AWOL.

(b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) stated on September (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) pulled up to (b) (6), (b) (7)(C) house and officers from the (b) (6), (b) (7)(C) Police Department were at (b) (6), (b) (7)(C) house. The officers stated contraband was found in (b) (6), (b) (7)(C) house and (b) (6), (b) (7)(C) was arrested. (b) (6), (b) (7)(C) cell phone was taken. Therefore, (b) (6), (b) (7)(C) did not call (b) (6), (b) (7)(C) to report the absence beforehand.

On (b) (6), (b) (7)(C) 2017 through (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) was also recorded as AWOL. On (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) returned to work and stated (b) (6), (b) (7)(C) was arrested again over the weekend and did not have (b) (6), (b) (7)(C) cell phone to call (b) (6), (b) (7)(C) submitted a leave request for (b) (6), (b) (7)(C) 2017, which (b) (6), (b) (7)(C) denied. (b) (6), (b) (7)(C) did not provide (b) (6), (b) (7)(C) any arrest or court documentation for either of the two arrests. Since it was only days prior (b) (6), (b) (7)(C) verbally reprimanded (b) (6), (b) (7)(C) for previous AWOL, (b) (6), (b) (7)(C) issued (b) (6), (b) (7)(C) a written reprimand for the second AWOL incident.

(b) (6), (b) (7)(C) stated the written reprimand referred (b) (6), (b) (7)(C) to mandatory counseling and assistance through the Employee Assistance Program (EAP). On October 30, 2017, (b) (6), (b) (7)(C) was issued an EAP referral and mandatory drug testing. As a condition of the written reprimand (b) (6), (b) (7)(C) is subject to unannounced follow-up drug testing for a period of one year.

(b) (6), (b) (7)(C) successfully completed three one-hour EAP sessions and on March 14, 2018, a drug test was administered and the outcome of the results were negative.

On April 12, 2018, OIG investigator interviewed (b) (6), (b) (7)(C) to obtain additional information regarding (b) (6), (b) (7)(C) previous two arrests. On September (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) was arrested and charged with Possession of Controlled Substance – Felony 2nd degree and Unlawful Carrying of a Weapon-Misdemeanor by the (b) (6), (b) (7)(C) Police Department. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) cell phone was confiscated. Therefore, (b) (6), (b) (7)(C) did not notify (b) (6), (b) (7)(C), regarding the arrest. (b) (6), (b) (7)(C) missed work on (b) (6), (b) (7)(C) 2017. On (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, (b) (6), (b) (7)(C) returned to work and submitted leave request for the two days missed and informed (b) (6), (b) (7)(C) missed work due to being arrested. During that period, (b) (6), (b) (7)(C) recorded (b) (6), (b) (7)(C) as AWOL. (b) (6), (b) (7)(C) denied the leave request.

(b) (6), (b) (7)(C) stated there are (b) (6), (b) (7)(C) residents at (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) got into a “tiff.” (b) (6), (b) (7)(C) was arrested during a traffic violation, due to an active warrant for arrest. (b) (6), (b) (7)(C) told police (b) (6), (b) (7)(C) sold methamphetamine out of (b) (6), (b) (7)(C) house. Later a warrant was issued and executed at (b) (6), (b) (7)(C) home.

During the warrant (b) (6), (b) (7)(C) was driving back home and noticed police cars and lights flashing in front of (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) approached the police officers and stated (b) (6), (b) (7)(C) was the owner of the home and wanted to know what was going on.

The police officer placed (b) (6), (b) (7)(C) in handcuffs. Approximately 30 minutes later, the police officer raised a paper in (b) (6), (b) (7)(C) face and stated, “You are under arrest for a controlled substance.” (b) (6), (b) (7)(C) stated the police officers were disorganized and nothing was found in (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) stated the police officer found something in a small glass jar and asked (b) (6), (b) (7)(C) what was in the jar. (b) (6), (b) (7)(C) shrugged (b) (6), (b) (7)(C) shoulder and stated (b) (6), (b) (7)(C) did not know what was in the jar. The product turned out to be a bath salt, Sodium Chloride, with a perfume smell. The police officer was about to place (b) (6), (b) (7)(C) in the police vehicle and (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) vehicle was down the street unlocked and (b) (6), (b) (7)(C) wanted to lock

it because (b) (6), (b) (7)(C) had a pistol in the car. The police officer stated, "No, I will lock it." The officer did not lock (b) (6), (b) (7)(C) truck, instead the officer searched the truck and found (b) (6), (b) (7)(C) pistol and searched (b) (6), (b) (7)(C) items in the backseat and found marijuana.

(b) (6), (b) (7)(C) did not give the police officer permission to search (b) (6), (b) (7)(C) truck. The police searched the vehicle and found the pistol, described as a .38 revolver, silver, wooden handle, five shot, Smith and Wesson. (b) (6), (b) (7)(C) stated the gun was previously owned by (b) (6), (b) (7)(C). The pistol was in a satchel bag behind the driver's seat of (b) (6), (b) (7)(C). Marijuana was found among (b) (6), (b) (7)(C) belongings, which was piled up in the back seat. (b) (6), (b) (7)(C) was sitting in the police vehicle and assumed the police officer confiscated the pistol and the marijuana.

On (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, at approximately 11:30PM, (b) (6), (b) (7)(C) went before the probable cause judge and the charges of Possession of Controlled Substance and Unlawful Carrying of a Weapon were read to (b) (6), (b) (7)(C). The judge stated (b) (6), (b) (7)(C) was free to go and released early (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, from the (b) (6), (b) (7)(C) County Jail.

On (b) (6), (b) (7)(C) September (b) (6), (b) (7)(C) 2017, the police again arrived at (b) (6), (b) (7)(C) home and arrested (b) (6), (b) (7)(C) for the Unlawful Carrying of a Weapon. (b) (6), (b) (7)(C) remained in jail Saturday, Sunday and Monday. (b) (6), (b) (7)(C) went in front of the judge, along with Attorney (b) (6), (b) (7)(C) filled out paperwork, and was released via a personal recognizance bond on approximately (b) (6), (b) (7)(C) October (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) October (b) (6), (b) (7)(C). The next scheduled court appearance for (b) (6), (b) (7)(C) was during (b) (6), (b) (7)(C) November 2017.

(b) (6), (b) (7)(C) was released from jail and the court date was reset for January 2018. The court date was reset again, until February 2018, due to the fact (b) (6), (b) (7)(C) was sick. (b) (6), (b) (7)(C) pled guilty to the Unlawful Carrying of a Weapon. The judge found (b) (6), (b) (7)(C) guilty, gave credit for time served and stated (b) (6), (b) (7)(C) was free to go.

(b) (6), (b) (7)(C) stated although the pistol charge was refilled, (b) (6), (b) (7)(C) was not aware of any drugs being found in (b) (6), (b) (7)(C) house. (b) (6), (b) (7)(C) stated the marijuana found in (b) (6), (b) (7)(C) truck belonged to (b) (6), (b) (7)(C). Since the backseat of (b) (6), (b) (7)(C) pickup truck was full of (b) (6), (b) (7)(C) bags and clothing, (b) (6), (b) (7)(C) has no idea where in the backseat the marijuana was found.

Although (b) (6), (b) (7)(C) was aware one of the residents (b) (6), (b) (7)(C) did drugs in 2010, (b) (6), (b) (7)(C) had no knowledge of (b) (6), (b) (7)(C) doing drugs. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) has not smoked marijuana since 2005.

(b) (6), (b) (7)(C) was placed on probation with the (b) (6), (b) (7)(C) Sheriff's Office. (b) (6), (b) (7)(C) denied there was a smell of marijuana in (b) (6), (b) (7)(C) truck when the police searched it. (b) (6), (b) (7)(C) believe the police officer made up the story of the smell of marijuana to search the vehicle. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was not aware the police report stated crystal meth was found in (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) was not aware the individuals were doing drugs in (b) (6), (b) (7)(C) home. (b) (6), (b) (7)(C) did not snoop or get involved in (b) (6), (b) (7)(C) business.

On October 30, 2017, (b) (6), (b) (7)(C) received a letter of reprimand, which required (b) (6), (b) (7)(C) to attend mandatory Employee Assistance Program (EAP) counseling and advised (b) (6), (b) (7)(C) of random drug. In February 2018, (b) (6), (b) (7)(C) received a call to take a drug test. There was a problem with the results of the sample. Approximately a week later (b) (6), (b) (7)(C) was retested, and the results were returned as negative.

(b) (6), (b) (7)(C) first EAP session was in December 2017, and no actual guidelines were given to (b) (6), (b) (7)(C) as to how (b) (6), (b) (7)(C) is to attend EAP. (b) (6), (b) (7)(C) has only had one official random drug test.

During the interview OIG agents requested (b) (6), (b) (7)(C) provide court dispositions documents. (b) (6), (b) (7)(C) handed OIG agents a document dated (b) (6), (b) (7)(C) 2018, which (b) (6), (b) (7)(C) stated was issued upon (b) (6), (b) (7)(C) guilty plea of unauthorized possession of a handgun. The document showed court fines and did not

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reflect the guilty plea. (b) (6), (b) (7)(C) stated (b) (6) has not seen the police report and does not have court documentation relating to (b) (6), (b) (7)(C) arrests or dispositions of the case. Therefore, OIG agents requested (b) (6), (b) (7)(C) provide the necessary documents.

On April 27, 2018, (b) (6), (b) (7)(C) emailed OIG agent a "Judgement of Conviction by Court – Waiver of Jury Trial" document issued by the County Criminal Court at (b) (6), (b) (7)(C). The court document stated a Guilty Plea of Carrying Handgun in Motor Vehicle, Class A Misdemeanor. Documents also reflected, on February 27, 2018, the sentence was imposed with a plea bargain for twelve days in (b) (6), (b) (7)(C) County Jail, which (b) (6), (b) (7)(C) received six days credit for time already served upon the arrest.

On April 27, 2018, OIG agent provided (b) (6), (b) (7)(C) a copy of court documents of (b) (6), (b) (7)(C) Guilty Plea of Carrying Handgun in Motor Vehicle. OIG agent also reminded (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) stated in the (b) (6), (b) (7)(C) report (b) (6) does still smoke marijuana and would probably not discontinue smoking. OIG agent also informed (b) (6), (b) (7)(C) criminal record reveals in January 2006, (b) (6), (b) (7)(C) was charged with 4 oz to 5lbs of marijuana, which makes the most recent arrest, the second time (b) (6), (b) (7)(C) has been arrested for marijuana since being employed with the EPA.

On June 1, 2018, (b) (6), (b) (7)(C) received a call from (b) (6), (b) (7)(C) to report to the collection site, (b) (6), (b) (7)(C). On June 4, 2018, the results were reported and on June 12, 2018, the Medical Review Office verified the results and reported (b) (6), (b) (7)(C) tested positive for marijuana.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) received (b) (6), (b) (7)(C) positive marijuana test results and (b) (6), (b) (7)(C) has been placed on administrative leave. On June 12, 2018, (b) (6), (b) (7)(C) was placed on administrative leave for at least ten days. During the ten days administrative leave process, EPA senior management will propose to suspend or terminate (b) (6), (b) (7)(C).

On July 27, 2018, OIG investigator received an email from (b) (6), (b) (7)(C) stating on (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) proposed for (b) (6), (b) (7)(C) removal and (b) (6), (b) (7)(C) was placed on administrative leave (b) (6), (b) (7)(C) stated on (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) will meet with (b) (6), (b) (7)(C) to provide an oral response to the proposed removal.

On March 26, 2019, OIG investigator received a copy of the proposal removal letter, signed by (b) (6), (b) (7)(C).

DISPOSITION:

As a result of (b) (6), (b) (7)(C) continued use of marijuana and a positive test of marijuana, on (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) was removed from Federal service. This case is closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET
DENVER, CO 80202

CASE #: OI-DE-2018-ADM-0063

CROSS REFERENCE #: Hotline 2018-0164

TITLE: (b) (6), (b) (7)(C), GS-12, (b) (6), (b) (7)(C)

INTERVIEWEE (if applicable): Interviewee

PREPARED BY: SA (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY
FINAL SUMMARY REPORT

VIOLATION(S):

5 C.F.R. § 2635.704(a): Duty to protect government property

5 C.F.R. § 2635.705(a): Use of official time.

EPA Order R8 CIO 2101.0: Policy on Limited Personal Use of Government Equipment

ALLEGATION: On March 7, 2018, this office initiated an investigation based on information received from (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) EPA, (b) (6), (b) (7)(C) allegedly using (b) (6), (b) (7)(C) regular EPA work hours – and potentially EPA equipment - to conduct personal business associated with (b) (6) personal businesses. An allegation surfaced regarding (b) (6) having at least one, if not multiple businesses on the side and appeared to be conducting personal business during (b) (6) EPA hours.

FINDINGS: Interviews of (b) (6), (b) (7)(C) and EPA employees as well as reviews of EPA and public business records were conducted. The investigation supported the allegation that (b) (6) conducted personal business during regular EPA hours and promoting (b) (6) business to EPA coworkers and employees.

DISPOSITION: On November 8, 2018, this investigation was briefed to Assistant United States Attorney (AUSA) (b) (6), (b) (7)(C) United States Attorney's Office, District of Colorado, Denver, Colorado, for potential criminal prosecution. AUSA (b) (6), (b) (7)(C) declined prosecution (b) (5), (b) (7)(E).

CASE:
OI-DE-2018-ADM-0063

DATE OF ACTIVITY:
March 12, 2019

INTERVIEWEE (if applicable):
Interviewee

DRAFTED DATE:
March 12, 2019

AGENT(S):
(b) (6), (b) (7)(C)

RESTRICTED INFORMATION
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On January 28, 2019, upon returning from furlough, (b) (6) resigned (b) (6) position with the federal government, effective immediately, stating (b) (6) decided to pursue work in the private sector.

All criminal and administrative actions that can be addressed have been completed, and no further investigative activity is warranted. This case is closed.

CASE:
OI-DE-2018-ADM-0063

DATE OF ACTIVITY:
March 12, 2019

INTERVIEWEE (if applicable):
Interviewee

DRAFTED DATE:
March 12, 2019

AGENT(S):
(b) (6), (b) (7)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET
DENVER, CO 80202

CASE #: OI-DE-2018-ADM-0016

CROSS REFERENCE #: OI-DE-2018-ADM-0063

TITLE: (b) (6), (b) (7)(C), GS-12, (b) (6), (b) (7)(C)

INTERVIEWEE (if applicable): Interviewee

PREPARED BY: SA (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY
FINAL SUMMARY REPORT

VIOLATION(S):

5 C.F.R. § 2635.704(a): Duty to protect government property

5 C.F.R. § 2635.705(a): Use of official time.

EPA Order R8 CIO 2101.0: Policy on Limited Personal Use of Government Equipment

ALLEGATION: On October 30, 2018, this office initiated an investigation based on information discovered by (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) while reviewing the hard drive of (b) (6), (b) (7)(C) in case number OI-DE-2018-ADM-0063. It was found that (b) (6), (b) (7)(C) maintained at least one pornographic video file, in addition to multiple inappropriate videos, images, and emails.

FINDINGS: Interviews of (b) (6), (b) (7)(C) and reviews of EPA and public business records were conducted. The investigation supported the allegation that (b) (6), (b) (7)(C) maintained a pornographic image on (b) (6), (b) (7)(C) computer which was cached during EPA work hours through personal social media unrelated to (b) (6), (b) (7)(C) EPA work, in addition to numerous inappropriate images and videos through the same means. Additionally, the investigation identified racial remarks about an EPA employee, made by (b) (6), (b) (7)(C) to another employee via EPA email, as well as inappropriate comments between (b) (6), (b) (7)(C) and EPA employees or contractors via (b) (6), (b) (7)(C) EPA email and Skype for Business.

DISPOSITION: On November 8, 2018, this investigation was briefed to Assistant United States Attorney (AUSA) (b) (6), (b) (7)(C), United States Attorney's

CASE:
OI-DE-2018-ADM-0016

DATE OF ACTIVITY:
March 12, 2019

INTERVIEWEE (if applicable):
Interviewee

DRAFTED DATE:
March 12, 2019

AGENT(S):
(b) (6), (b) (7)(C)

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Office, District of Colorado, Denver, Colorado, for potential criminal prosecution. AUSA
(b) (6), (b) (7)(C) declined prosecution based (b) (5), (b) (7)(E)

On January 28, 2019, upon returning from furlough, (b) (6) resigned (b) (6) position with the federal government, effective immediately, stating (b) (6) decided to pursue work in the private sector.

All criminal and administrative actions that can be addressed have been completed, and no further investigative activity is warranted. This case is closed.

CASE:
OI-DE-2018-ADM-0016

DATE OF ACTIVITY:
March 12, 2019

INTERVIEWEE (if applicable):
Interviewee

DRAFTED DATE:
March 12, 2019

AGENT(S):
(b) (6), (b) (7)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109

DATE: DECEMBER 21, 2017

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-NE-2014-ADM-0094

CROSS REFERENCE #: N/A

TITLE: (b) (6), (b) (7)(C), GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|------------|------------|
| (b) (6), (b) (7)(C) | BOSTON, MA | N/A |

POTENTIAL VIOLATIONS:

Title 18 U.S.C. § 1001 - False Statements

EPA Policy Number 2540-08-PI - Time and Attendance Reporting

EPA Order 3120.1 (1)(a)(b)(c) - Attendance related offenses

EPA Order 3120.1 (31) - Falsifying time and attendance records for oneself or another employee

ALLEGATION:

On June 9, 2014 Resident Agent in Charge (RAC) (b) (6), (b) (7)(C), Environmental Protection Agency (EPA) Office of Inspector General (OIG), Office of Investigations (OI), Washington Field Office (WFO), New York Post of Duty, received OIG Hotline referral Complaint Number 2014-141. It was alleged (b) (6), conducted interviews on the radio (b) (6), (b) (7)(C) and was also required to attend various (b) (6), events during the day as part of (b) (6), duties as the (b) (6), (b) (7)(C). The complainant questioned how (b) (6), could work full time for EPA and still perform (b) (6), duties as the (b) (6), at the same time. (b) (7)

FINDINGS:

OI determined (b) (6), (b) (7)(C) was approved to collect a stipend and serve as (b) (6), (b) (7)(C) while working for the EPA. (b) (6), was informed no official duty time could be used in conjunction with (b) (6), secondary employment (b) (6), (b) (7)(C). Facts disclosed during the investigation supported the allegation that (b) (6), had spent official duty time on duties related to serving as the (b) (6), (b) (6), resigned during the course of this investigation. (b) (7) (b) (7)

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DISPOSITION:

On January 28, 2016, the matter was declined for criminal prosecution by the United States Attorney's Office, District of Massachusetts. A Report of Investigation was issued to the Agency and on July 3, 2017, the Agency issued a debt letter to (b) (6), for \$2,431.94. On September 27, 2017, OI was notified (b) (6), (b) (7)(C) had made full restitution to the EPA. As such, this matter will be closed at this time.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: March 14, 2019

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-NE-2014-ADM-0108

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS-15, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---------------------|------------|
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | N/A |
| (b) (6), (b) (7)(C) | | |

VIOLATIONS:

18 U.S.C. § 641
EPA Order 3120.1, Table of Offenses and Penalties

Theft
(31) Falsifying time and attendance records for oneself

ALLEGATION:

On July 24, 2014, OI received information from (b) (6), (b) (7)(C) New York, NY regarding some issues that (b) (6), (b) (7)(C) wanted to report to the EPA OIG. According to (b) (6), (b) (7)(C) had been harassing (b) (6), (b) (7)(C) over time and attendance issues (b) (6), (b) (7)(C). In addition, (b) (6), (b) (7)(C) alleged that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had been reporting into work late on an almost daily basis for the past few years.

FINDINGS:

Attempts were made to compare time reporting in PeoplePlus with access to the regional office building as well as the EPA workspace for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). However, these attempts met with inconclusive results due to the limitations of the information captured by these systems.

(b) (7)(E)

. As a result, a review of these records failed to

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reveal any pattern of activity that would support criminal violations in (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) reporting of their time and attendance. This case was not presented to U.S. Attorney's Office.

DISPOSITION:

Based on the information detailed above, the allegation that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were committing time and attendance fraud was inconclusive. Therefore, this case is being closed at this time.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 Hawthorne Street, 8th Floor
San Francisco, CA 94105

DATE: February 14, 2018

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-SA-2018-ADM-0041

CROSS REFERENCE #: COMP-2018-27

TITLE: (b) (6), (b) (7)(C) GS-13, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|-------------------|------------|
| (b) (6), (b) (7)(C) | San Francisco, CA | |

VIOLATIONS:

None.

ALLEGATION: On December 11, 2017, Office of Investigations, Office of Inspector General, U.S. Environmental Protection Agency (EPA), San Francisco Field Office, was provided information by the Personnel Security Branch, Security Management Division, EPA, Washington, DC, of the arrest of (b) (6), (b) (7)(C) Region 9, San Francisco, CA. Initial reporting is that (b) (6), (b) (7)(C) was arrested on November (b) (6), (b) (7)(C) 2017, by a Sheriff's Office in (b) (6), (b) (7)(C) CA. Reported charges are that of force, assault with a deadly weapon (not a firearm), great bodily injury, and vandalism \$400 or more.

FINDINGS: The investigation did support the allegation of (b) (6), (b) (7)(C) arrest, with the exception of the arresting agency being the (b) (6), (b) (7)(C) Police Department. A review of employee records revealed no other derogatory information against (b) (6), (b) (7)(C). As per regional counsel, (b) (6), (b) (7)(C) was not required to report the arrest to (b) (6), (b) (7)(C) supervisors or the agency. (b) (6), (b) (7)(C) does not hold a security clearance. Following the (b) (6), (b) (7)(C) supervisors have reported (b) (6), (b) (7)(C) has not exhibited any signs of threatening or disruptive behavior since, or before the arrest. The EPA OIG OI interview of (b) (6), (b) (7)(C) supported this.

DISPOSITION: EPA Region 9 has determined (b) (6), (b) (7)(C) to not be a threat or distractor in the work place following (b) (6), (b) (7)(C) arrest. There was no requirement for (b) (6), (b) (7)(C) to report the incident to (b) (6), (b) (7)(C) supervisors or the agency at large. (b) (6), (b) (7)(C) did notify (b) (6), (b) (7)(C) supervisors, and had already taken action by (b) (6), (b) (7)(C) has agreed to keep the agency abreast of the pending case. (b) (6), (b) (7)(C) supervisors are willing to work with (b) (6), (b) (7)(C) with regards to leave, more than likely to be leave without pay, in the instance (b) (6), (b) (7)(C) was to be sentenced to serve time in jail.

No further investigative activity is warranted. This case is closed.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 Hawthorne Street, 8th Floor
San Francisco, CA 94105

DATE: October 30, 2019

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-SA-2018-ADM-0111

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C) GS-12, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

| Subject(s) | Location | Other Data |
|---------------------|---------------------|------------|
| (b) (6), (b) (7)(C) | (b) (6), (b) (7)(C) | |

VIOLATIONS:

| | |
|----------------------|--|
| 18 U.S.C. § 1001 | Statements or Entries Generally |
| 18 U.S.C. § 1343 | Fraud by Wire, Radio, or Television |
| EPA Order 3120.1(7) | Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful |
| EPA Order 3120.1(16) | Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding |
| EPA Order 3120.1(19) | Delay in carrying out a failure to carry out instructions in a reasonable time. |

ALLEGATION: This investigation was predicated upon receipt of a referral from EPA Personnel Security Branch (PSB), alleging possible submission of false information on a SF-85 by (b) (6), (b) (7)(C) GS-12, (b) (6), (b) (7)(C). The allegation involves (b) (6), (b) (7)(C) claiming education as an (b) (6), (b) (7)(C), without submitting proof of such a degree, after repeated requests by EPA PSB.

FINDINGS: A review of information provided by (b) (6), (b) (7)(C) during (b) (6), (b) (7)(C) hiring process, information provided by various universities and colleges, data collected by EPA PSB, and interviews of witnesses and the subject, confirmed (b) (6), (b) (7)(C) does not, nor has (b) (6), (b) (7)(C) ever been conferred a degree above the associates level, let alone (b) (6), (b) (7)(C) degree from an accredited university/college.

DISPOSITION: On June 26, 2018, this matter was referred to the United States Attorney's Office (USAO) for the Northern District of California, San Francisco, California, for prosecution consideration. The USAO agreed to open for assistance in obtaining information.

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On September 5, 2018, a Report of Investigation was provided to (b) (6), (b) (7)(C) for action deemed appropriate.

On September 20, 2018, (b) (6), (b) (7)(C) was proposed for termination from (b) (6), (b) (7)(C) employment with the EPA and placed on Administrative Leave with Pay.

On October 9, 2018, information regarding (b) (6), (b) (7)(C) fraudulent claims of education were provided to the (b) (6), (b) (7)(C) Attorney General's Office for their consideration to take action with regards to (b) (6), (b) (7)(C) employed time with the (b) (6), (b) (7)(C) Environmental Protection Division. They did not provide any response to action taken or request further information.

On (b) (6), (b) (7)(C) 2018, a Standard Form 50 was entered into (b) (6), (b) (7)(C) personnel file stating (b) (6), (b) (7)(C) retired, "After receiving written notice on September 20, 2018, of the agency's proposal to separate (b) (6), (b) (7)(C) for dishonest and deceptive conduct."

On November 13, 2018, the USAO declined prosecution determinin (b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

On February 25, 2019, the (b) (6), (b) (7)(C) Attorney General's Office stated they would not be taking any further action and would not be able to prosecute allegations on this matter from over 22 years ago. They confirmed looking into the matter and finding they also received fraudulent information from (b) (6), (b) (7)(C) during (b) (6), (b) (7)(C) hiring process with the (b) (6), (b) (7)(C) Environmental Protection Division.

On July 8, 2019, EPA Suspension and Debarment Division issued a recommendation to debar (b) (6), (b) (7)(C) for three years. A notice was sent to (b) (6), (b) (7)(C) with no response. On (b) (6), (b) (7)(C) 2019, (b) (6), (b) (7)(C) was officially debarred for a period of three years.

All criminal and administrative remedies have been addressed and no further investigative activity is warranted. This case is closed.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

75 HAWTHORNE ST IGI-1
SAN FRANCISCO, CA 94105

CASE #: OI-SA-2018-ADM-0111

TITLE: (b) (6), (b) (7)(C) GS-12, (b) (6), (b) (7)(C)

**MEMORANDUM OF ACTIVITY
REPORT OF INVESTIGATION DELIVERY**

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Delivered on: September 5, 2018

Received by: (b) (6), (b) (7)(C)

(printed name & title)

(b) (6), (b) (7)(C)

(signature)

Delivered by: (b) (6), (b) (7)(C)

SA

(b) (6), (b) (7)(C)

(signature)

CASE: OI-SA-2018-ADM-0111

INTERVIEWEE *(if applicable):*

DATE OF ACTIVITY:

September 5, 2018

DRAFTED DATE:

September 5, 2018

AGENT(S):

(b) (6), (b) (7)(C)

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U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20004

August 31, 2018

MEMORANDUM

SUBJECT: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

FROM: (b) (6), (b) (7)(C)

Acting Assistant Inspector General
Office of Investigations

TO: (b) (6), (b) (7)(C)

Attached is a copy of our Report of Investigation on the above-captioned subject. The U.S. Environmental Protection Agency's (EPA's), Office of Inspector General (OIG), Office of Investigations (OI), investigated whether (b) (6), (b) (7)(C) submitted false information on job applications and during a background investigation, and whether other potential criminal violations were committed in possible violation of:

| | |
|----------------------|---|
| 18 USC § 1001 | Statements or Entries Generally |
| 18 USC § 1343 | Fraud by Wire, Radio, or Television |
| 18 USC § 1341 | Frauds and Swindles |
| 18 USC § 371 | Conspiracy to Commit Offense or to Defraud the United States |
| EPA Order 3120.1(7) | Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful. |
| EPA Order 3120.1(16) | Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding. |

The investigation supported that (b) (6), (b) (7)(C) knowingly provided false or fraudulent information related to (b) (6), (b) (7)(C) qualifications as an (b) (6), (b) (7)(C) to gain employment with the agency. The investigation also supported that (b) (6), (b) (7)(C) knowingly provided false information while filling out and submitting a Standard Form 85 (SF-85) and two Electronic Questionnaire for Investigations Processing (e-QIPs). Follow-on investigations conducted by the Office of Personnel Management, and the EPA Personnel Security Branch, also noted that (b) (6), (b) (7)(C) provided false information on (b) (6), (b) (7)(C) SF-85 and e-QIPs. Further, during an interview with OI Special Agents, (b) (6), (b) (7)(C) continued to provide false information and documents supporting (b) (6), (b) (7)(C) claims.

This matter is also being referred to the U.S. Attorney's Office for the Northern District of California for criminal prosecution.

In considering administrative action, your attention is directed to the *EPA Conduct and Discipline Manual*, EPA Order 3120.1, which prescribes policies for administering disciplinary action within the agency. The manual contains a list of offenses with suggested penalties, although the list is not intended to be all inclusive. For offenses not included, penalties may be imposed consistent with penalties contained in the manual for offenses of comparable gravity.

Information about the *EPA Conduct and Discipline Manual* is being provided to help you determine what action, if any, is warranted; however, it does not constitute a "charge" against (b) (6), (b) (7)(C). It is the responsibility of the action official alone to evaluate the information contained in the report and decide whether action under any part of the *EPA Conduct and Discipline Manual* is appropriate. It is recommended that you contact the EPA's Regional Human Resources Office for any necessary guidance about personnel regulations.

This report is "For Official Use Only," and its disclosure to unauthorized individuals is prohibited. Portions of this report may be used by appropriate officials for administrative action.

In order that we may satisfy our reporting requirement to Congress and to the EPA Administrator, please advise this office within 60 days of any administrative action taken or proposed by you in this matter.

If you have any questions regarding this investigative report, please feel free to contact me at (b) (6), (b) (7)(C) or Special Agent (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C)

Attachment: Report of Investigation



U.S ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

AUG 31 2018

REPORT OF INVESTIGATION CONCERNING

(b) (6), (b) (7)(C) GS-12; (b) (6), (b) (7)(C)

CASE NUMBER: OI-SA-2018-ADM-0111

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Entities and Individuals
Prosecutive Status and Exhibits

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Section B
Section C

Distribution:

(b) (6), (b) (7)(C)

[Redacted]

With Attachments

(b) (6), (b) (7)(C)

Acting Director, (b) (6), (b) (7)(C)

[Redacted]

With Attachments

Wendy Blake
Associate General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Room 4020A WJC North
Washington, DC 20460
Informational Purposes Only
With Attachments

Submitted by:

(b) (6), (b) (7)(C)

Special Agent
Office of Investigations

Approved by:

(b) (6), (b) (7)(C)

Special Agent in Charge
Office of Investigations

Reviewed by:

(b) (6), (b) (7)(C)

Acting Assistant Inspector General
Office of Investigations

CASE NO.: OI-SA-2018-ADM-0111 DATE OPENED: June 13, 2018
 REPORT OF: (b) (6), (b) (7)(C) CASE AGENT: (b) (6), (b) (7)(C)
 CASE CATEGORY: Employee Integrity & § 552(j)(7)(C) OFFICE: San Francisco Field Office
 JOINT AGENCIES: N/A JURISDICTION: Northern District of California

SECTION A – NARRATIVE

Introduction

The U.S. Environmental Protection Agency's (EPA's) Office of Inspector General (OIG), Office of Investigations (OI), investigated whether fraudulent information was submitted on job applications and during the course of a background investigation, and whether other potential criminal violations were committed by (b) (6), (b) (7)(C)

Synopsis

During the investigation, we interviewed EPA personnel, as well as representatives from educational institutions and private corporations. We also analyzed documents and other data.

The investigation supported that (b) (6), (b) (7)(C) knowingly provided false or fraudulent information about (b) (6), (b) (7)(C) qualifications as (b) (6), (b) (7)(C) specifically to gain employment with the EPA. The investigation also supported that (b) (6), (b) (7)(C) knowingly provided false information while filling out and submitting a Standard Form 85 (SF-85) and two Electronic Questionnaire for Investigations Processing (e-QIPs). Follow-on investigations conducted by the U.S. Office of Personnel Management (OPM), and the EPA's Personnel Security Branch (PSB), noted that (b) (6), (b) (7)(C) provided false information to answers on (b) (6), (b) (7)(C) SF-85 and e-QIPs. Further, during a subject interview conducted by OI Special Agents, (b) (6), (b) (7)(C) continued to provide false information and documents to support (b) (6), (b) (7)(C) claims.

Possible violations:

| | |
|----------------------|---|
| 18 USC § 1001 | Statements or Entries Generally |
| 18 USC § 1343 | Fraud by Wire, Radio, or Television |
| 18 USC § 1341 | Frauds and Swindles |
| 18 USC § 371 | Conspiracy to Commit Offense or to Defraud the United States |
| EPA Order 3120.1(7) | Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful. |
| EPA Order 3120.1(16) | Deliberate misrepresentation, falsification, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding. |

Details

Allegation 1: In 2007, (b) (6), (b) (7)(C) submitted false or fraudulent information to the EPA regarding (b) (6), (b) (7)(C) education background on an application for employment.

Allegation 1 Findings: (b) (6), (b) (7)(C) admitted to not having (b) (6), (b) (7)(C) degree and that the University of California (UC) Sacramento does not exist.

Investigative Results: A review of (b) (6), (b) (7)(C) electronic personnel file (eOPF) showed that (b) (6), (b) (7)(C) applied for employment using the EPA's EZHire internet site. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) responded, (b) (6), (b) (7)(C) I have a (b) (6), (b) (7)(C) DEGREE from an accredited college or university under their (b) (6), (b) (7)(C) that included at least one curriculum that is recognized by the (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) then provided (b) (6), (b) (7)(C) cumulative GPA for all (b) (6), (b) (7)(C) undergraduate coursework as between 2.95 and 3.44. As part of (b) (6), (b) (7)(C) resume, attached to the application, (b) (6), (b) (7)(C) identified (b) (6), (b) (7)(C) degree as (b) (6), (b) (7)(C) obtained from the University of California Sacramento.

EPA Service Centers conducted a review of their records on hand to determine whether any documents, including (b) (6), (b) (7)(C) education transcripts, were available (Exhibit 4). There were no documents for review. Any documents would have been uploaded to the eOPF.

During an interview with OI Special Agents, (b) (6), (b) (7)(C) admitted to not having (b) (6), (b) (7)(C) degree (Exhibit 6). (b) (6), (b) (7)(C) claimed to have earned enough college credits to warrant (b) (6), (b) (7)(C) degree, but (b) (6), (b) (7)(C) had been unsuccessful in finding a college to confer the degree.

There is no UC Sacramento. A records check with California State University (CSU) Sacramento was conducted, and negative results were returned for (b) (6), (b) (7)(C) receiving a degree or attending classes at CSU (Exhibit 3).

Allegation 2: On January 22, 2008, (b) (6), (b) (7)(C) knowingly provided false or fraudulent information on (b) (6), (b) (7)(C) Standard Form 85 (SF-85).

Allegation 2 Findings: (b) (6), (b) (7)(C) admitted to not having obtained (b) (6), (b) (7)(C) degree, and that UC Sacramento is not a real school. (b) (6), (b) (7)(C) also admitted to not receiving a degree from or attending CSU Sacramento.

Investigative Results: A review of documents provided by the EPA's PSB identified (b) (6), (b) (7)(C) as listing the University of California, located at 6000 J Street, Sacramento, CA 95819, as (b) (6), (b) (7)(C) college (Exhibit 5). There is no University of California in Sacramento. CSU Sacramento is located at 600 J Street. A records check with CSU Sacramento was conducted, and negative results were returned for (b) (6), (b) (7)(C) receiving a degree or attending classes at CSU (Exhibit 3).

On January 22, 2008, (b) (6), (b) (7)(C) certified (b) (6), (b) (7)(C) answers to be true, with the understanding that a knowing and willful false statement on that form could be punished by fine, imprisonment or both, under 18 USC § 1001 (Exhibit 5).

Allegation 3: On April 11, 2013, (b) (6), (b) (7)(C) knowingly provided false or fraudulent information on (b) (6), (b) (7)(C) e-QIP).

Allegation 3 Findings: (b) (6), (b) (7)(C) stated that information related to (b) (6), (b) (7)(C) education was not applicable, even though (b) (6), (b) (7)(C) previously reported education beyond high school.

Investigative Results: A review of EPA PSB documents identified (b) (6), (b) (7)(C) as choosing "Not Applicable" for "Section 9: Where You Went to School" (Exhibit 5). (b) (6), (b) (7)(C) previously identified (b) (6), (b) (7)(C) education in an SF-85, filed in 2008, and (b) (6), (b) (7)(C) resume and application for employment. The prompting for this question states to list all college or university degrees and dates received, and additionally states, "no matter when the education occurred."

On April 11, 2013, (b) (6), (b) (7)(C) certified (b) (6), (b) (7)(C) answers to be true, with the understanding that a knowing and willful false statement on that form could be punished by fine, imprisonment or both, under 18 USC § 1001 (Exhibit 5).

Allegation 4: On December 1, 2014, (b) (6), (b) (7)(C) knowingly provided false or fraudulent information on (b) (6), (b) (7)(C) e-QIP.

Allegation 4 Findings: (b) (6), (b) (7)(C) stated that information related to (b) (6), (b) (7)(C) education was not applicable, even though (b) (6), (b) (7)(C) previously having reported education beyond high school.

Investigative Results: A review of EPA PSB documents identified (b) (6), (b) (7)(C) as choosing "Not Applicable" for "Section 10: Where You Went to School" (Exhibit 5). (b) (6), (b) (7)(C) previously identified (b) (6), (b) (7)(C) education in an SF-85, filed in 2008, and (b) (6), (b) (7)(C) resume and application for employment. The prompting for this question states to list all college or university degrees and dates received, and additionally states, "no matter when the education occurred."

On December 1, 2014, (b) (6), (b) (7)(C) certified (b) (6), (b) (7)(C) answers to be true, with the understanding that a knowing and willful false statement on that form could be punished by fine, imprisonment or both, under 18 USC § 1001 (Exhibit 5).

Allegation 5: Between February and May 2015, (b) (6), (b) (7)(C) provided false or fraudulent information to OPM investigators during a follow-up investigation of (b) (6), (b) (7)(C) previously submitted e-QIP.

Allegation 5 Findings: During an interview with OI Special Agents, (b) (6), (b) (7)(C) admitted that (b) (6), (b) (7)(C) did not receive (b) (6), (b) (7)(C) degree and did not attend CSU Sacramento on a full-time basis. In addition, CSU Sacramento has no record of (b) (6), (b) (7)(C) receiving a degree or attending classes at the school.

Investigative Results: A review of EPA PSB documents identified OPM as conducting a follow-on investigation into the information provided by (b) (6), (b) (7)(C) (Exhibit 5). OPM investigators reviewed e-QIP, documents, and interviewed (b) (6), (b) (7)(C). During the interview, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) put "Not Applicable" to the question regarding (b) (6), (b) (7)(C) education because (b) (6), (b) (7)(C) misread the prompt. (b) (6), (b) (7)(C) told the

OPM investigator that (b) (6), (b) (7)(C) had attended CSU Sacramento. OPM investigators received a response from CSU Sacramento, which stated the school had no record of (b) (6), (b) (7)(C). OPM investigators confronted (b) (6), (b) (7)(C) with facts regarding (b) (6), (b) (7)(C) not attending CSU Sacramento. (b) (6), (b) (7)(C) objected and stated that (b) (6), (b) (7)(C) did. (b) (6), (b) (7)(C) also changed the dates of (b) (6), (b) (7)(C) attendance to (b) (6), (b) (7)(C).

A records check with CSU Sacramento revealed negative results for (b) (6), (b) (7)(C) receiving a degree or attending classes at CSU (Exhibit 3).

During an interview with OI Special Agents, (b) (6), (b) (7)(C) admitted to not having (b) (6), (b) (7)(C) degree (Exhibit 6).

Allegation 6: On March 22, 2015, (b) (6), (b) (7)(C) submitted fraudulent information to the EPA when (b) (6), (b) (7)(C) requested voluntary relocation from (b) (6), (b) (7)(C).

Allegation 6 Findings: (b) (6), (b) (7)(C) admitted to OI Special Agents that (b) (6), (b) (7)(C) had not attended California State University (CSU) San Bernardino, and (b) (6), (b) (7)(C) admitted to not having (b) (6), (b) (7)(C) degree. CSU San Bernardino confirmed (b) (6), (b) (7)(C) did not receive a degree from the institution, and (b) (6), (b) (7)(C) did not attend classes at the university.

Investigative Results: A review of (b) (6), (b) (7)(C) eOPF identified (b) (6), (b) (7)(C) application for a voluntary transfer to (b) (6), (b) (7)(C) (Exhibit 1). As part of (b) (6), (b) (7)(C) application, (b) (6), (b) (7)(C) included (b) (6), (b) (7)(C) resume. (b) (6), (b) (7)(C) resume states that (b) (6), (b) (7)(C) earned a bachelor degree in (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) from CSU San Bernardino." Prior to the submission of this application and resume, (b) (6), (b) (7)(C) had claimed to have earned (b) (6), (b) (7)(C) degree from UC Sacramento and CSU Sacramento (Exhibit 1). (b) (6), (b) (7)(C) had also told OPM investigators that (b) (6), (b) (7)(C) earned (b) (6), (b) (7)(C) degree from CSU Sacramento (Exhibit 5).

A records check with CSU San Bernardino was conducted and negative results were returned for (b) (6), (b) (7)(C) receiving a degree or attending classes at the school (Exhibit 2).

During an interview with OI Special Agents, (b) (6), (b) (7)(C) admitted to not having (b) (6), (b) (7)(C) degree (Exhibit 6). (b) (6), (b) (7)(C) also admitted (b) (6), (b) (7)(C) did not attend CSU San Bernardino.

Allegation 7: On November 16, 2017, (b) (6), (b) (7)(C) knowingly provided false or fraudulent information to the EPA PSB. (b) (6), (b) (7)(C) emailed a screenshot of an order form claiming transcripts from CSU San Bernardino were being mailed to support (b) (6), (b) (7)(C) education claims.

Allegation 7 Findings: (b) (6), (b) (7)(C) admitted to not attending CSU San Bernardino. A company named Credentials Solutions, LLC confirmed that (b) (6), (b) (7)(C) cancelled the transcript order shortly after (b) (6), (b) (7)(C) made the order.

Investigative Results: On September 8, 2017, (b) (6), (b) (7)(C) responded to an email from the EPA PSB stating that (b) (6), (b) (7)(C) had previously supplied copies of (b) (6), (b) (7)(C) transcripts twice: once in 2008 and again in 2013 (Exhibit 5). There was no record of the EPA PSB receiving copies of transcripts in either 2008 or 2013. A review of documents that (b) (6), (b) (7)(C) provided OI Special Agents identified a screenshot (b) (6), (b) (7)(C) claimed confirmed (b) (6), (b) (7)(C) had previously sent the EPA PSB official copies of (b) (6), (b) (7)(C) transcripts (Exhibit 7). The screenshot shows that on November 16, 2017, (b) (6), (b) (7)(C) ordered transcripts from the third-party

Credentials Solutions, LLC. The screenshot was then sent to PSB to act as proof transcripts for CSU San Bernardino were ordered and being mailed to PSB.

A review of Credentials Solutions' transaction history identified the order as being placed on November 16, 2017. However, (b) (6), (b) (7)(C) cancelled the order via a telephone call to the company on November 20, 2017 (Exhibit 8).

During an interview with OI Special Agents, (b) (6), (b) (7)(C) admitted to not attending CSU San Bernardino (Exhibit 6).

Allegation 8: On July 25 and August 8, 2018, (b) (6), (b) (7)(C) provided fraudulent information to OI Special Agents when (b) (6), (b) (7)(C) claimed to have provided transcripts to the EPA when requested, gave the level of college education (b) (6), (b) (7)(C) had obtained, and denied knowledge that (b) (6), (b) (7)(C) job required a specific level of education.

Allegation 8 Findings: The EPA PSB never received the transcripts; the transcript order had been cancelled; and while applying to (b) (6), (b) (7)(C) previous EPA position in (b) (6), (b) (7)(C) and to (b) (6), (b) (7)(C) current position with (b) (6), (b) (7)(C) provided false or fraudulent information in (b) (6), (b) (7)(C) response to questions concerning (b) (6), (b) (7)(C) education and requirements for (b) (6), (b) (7)(C) position.

Investigative Results: During an interview with OI Special Agents, (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had previously sent transcripts to the EPA PSB upon notification by (b) (6), (b) (7)(C) management (Exhibit 6). A review of the Credentials Solutions transaction history identified the order as having been placed on November 16, 2017, but (b) (6), (b) (7)(C) cancelled the order via a telephone call to the company on November 20, 2017 (Exhibit 8).

During the interview, (b) (6), (b) (7)(C) denied having knowledge of education requirements for (b) (6), (b) (7)(C) job (Exhibit 6). (b) (6), (b) (7)(C) had previously admitted to knowing (b) (6), (b) (7)(C) job required a college degree, specifically (b) (6), (b) (7)(C) degree. During the application process for (b) (6), (b) (7)(C) previous position with EPA (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) current position within (b) (6), (b) (7)(C) read and answered questions pertaining to requirements for the position (b) (6), (b) (7)(C) currently holds (Exhibit 1). (b) (6), (b) (7)(C) also provided information in SF-85 and e-QIP responses, as well as in (b) (6), (b) (7)(C) responses to OPM investigators that (b) (6), (b) (7)(C) degree is for (b) (6), (b) (7)(C) (Exhibit 5).

Disposition

This Report of Investigation is being issued to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) for administrative remedies or actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

Name of Person: (b) (6), (b) (7)(C)
 Title & Company: (b) (6), (b) (7)(C)
 Role: Subject
 Business Address: (b) (6), (b) (7)(C)
 Business Phone: (b) (6), (b) (7)(C)
 EPA Employee: Yes

SECTION C – PROSECUTIVE STATUS and EXHIBITS**STATUS**

This case has been presented to the U.S. Attorney's Office (USAO) for the Northern District of California for criminal prosecution. A decision for future action by the USAO is pending.

EXHIBITS

| <u>EXHIBIT</u> | <u>DESCRIPTION</u> |
|----------------|--|
| 1 | Memorandum of Activity – eOPF and Resumes |
| 2 | Memorandum of Activity – CSU San Bernardino |
| 3 | Memorandum of Activity – CSU Sacramento |
| 4 | Memorandum of Activity – EPA Service Centers |
| 5 | Memorandum of Activity – Referral and Documents |
| 6 | Memorandum of Interview – (b) (6), (b) (7)(C) 07/25/2018 |
| 7 | Memorandum of Activity – (b) (6), (b) (7)(C) Email Information |
| 8 | Memorandum of Activity – Credentials Solution LLC |
| 9 | Memorandum of Interview – (b) (6), (b) (7)(C) 08/08/2018 |